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No. 81-2057

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

ALAN J. KARCHER, SPEAKER,
NEW JERSEY ASSEMBLY, *et al.*,
Appellants,

v.

GEORGE T. DAGGETT, *et al.*,
Appellees.

On Appeal From the United States District Court for the District of New Jersey

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JOINT APPENDIX

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APPEAL DOCKETED MAY 6, 1982
PROBABLE JURISDICTION NOTED JUNE 21, 1982

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

February 2, 1982—Plaintiff Daggett's complaint filed in the U.S. District Court for the District of New Jersey, Civil Action No. 82-297.

February 9, 1982—Plaintiff Forsyth *et al.*'s verified complaint filed in the U.S. District Court for the District of New Jersey, Civil Action No. 82-388.

February 10, 1982—Judge Fisher orders the two cases consolidated for all purposes.

February 16, 1982—Judge Fisher orders Civil Action No. 82-297 dismissed as to defendants Karcher and Orechio, who had not yet been served.

February 17, 1982—Chief Judge Seitz designates Judges Gibbons and Brotman to sit with Judge Fisher as a three-judge court.

February 17, 1982—Motions to intervene as defendants filed by Alan J. Karcher, New Jersey State Senate and Carmen A. Orechio, and James J. Florio, *et al.*

February 18, 1982—Answer filed by proposed defendant-intervenor Karcher.

February 19, 1982—Hearing on plaintiffs' motion for summary judgment, and continued to February 26.

February 19, 1982—Hearings on motions of Alan J. Karcher, Carmen Orechio, and James J. Florio, *et al.*, to intervene as defendants. Motions ordered granted on consent.

February 26, 1982—Hearing held on plaintiffs' motion for preliminary injunction and on cross-motions for summary judgment.

March 3, 1982—Opinion filed declaring P.L. 1982, c. 1 unconstitutional, Judge Gibbons dissenting.

March 8, 1982—Hearing held on motion of defendants-intervenors Florio *et al.* for a stay pending appeal.

March 8, 1982—Order entered granting motions of Alan J. Karcher, Carmen Orechio, and James J. Florio, *et al.*, to intervene as defendants.

March 8, 1982—Judgment and order entered declaring P.L. 1982, c. 1, unconstitutional and enjoining defendants from conducting primary or general Congressional elections under it; and denying defendant-intervenors Florio *et al.*'s motion for a stay pending appeal.

March 8, 1982—Notice of appeal filed by defendant-intervenor Florio *et al.*

March 11, 1982—Order amending opinion filed.

PLAINTIFFS' EXHIBIT NUMBER 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No. 82-297

GEORGE T. DAGGETT,
Complainant,

vs.

IRWIN I. KIMMELMAN, *et als.*,
Defendants.

and

Civil Action No. 82-388

EDWIN B. FORSYTHE, *et als.*,
Plaintiffs,

vs.

THOMAS H. KEAN, *et als.*,
Defendants.

STATE OF NEW JERSEY)
) ss.:
COUNTY OF MIDDLESEX)

AFFIDAVIT OF ERNEST C. REOCK, JR.

ERNEST C. REOCK, JR., being duly sworn, deposes and says:

1. I am a research professor and Director of the Bureau of Government Research at Rutgers University. I have been a member of the Rutgers faculty since 1950, and Director of the Bureau of Government Research since 1960. In addition to undergraduate degrees in mechanical engineering from Swarthmore College and in

history from Rutgers, I hold a Rutgers masters degree in history and a Rutgers Ph.D. in political science.

2. The Bureau of Government Research has three principal functions: to conduct research on problems of state and local government in New Jersey, to develop and to conduct training programs for local government officials in New Jersey, and to provide technical assistance to state agencies and officers, as well as to those members of the public interested in the problems of government. In the pursuit of these activities, both I and the Bureau of Government Research have been involved in the problems of congressional redistricting for more than twenty years.

3. When the results of the 1980 decennial census became available in 1981, it was apparent that New Jersey would lose one seat in Congress. Since the number of congressional districts would have to be reduced from 15 to 14 to accommodate the census results, it was clear that the Legislature would be required to enact a congressional redistricting plan. During the early part of the summer of 1981, therefore, I developed a model congressional redistricting plan based on the 1980 census. Through my work in redistricting over the last 20 years, I was familiar with the applicable principles of law and the criteria which this Court enunciated in *David v. Cahill*. I prepared the model redistricting proposal with these principles and criteria in mind, in order to best effectuate the Supreme Court's command that absolute population equality be achieved.

4. My proposal, which is attached hereto as Exhibit A, was completed on July 31, 1981. On August 7, 1981, I sent copies of the proposal to the following persons:

> Governor Brendan T. Byrne, the Republican gubernatorial candidate, Thomas H. Kean, the entire New Jersey congressional delegation, the Republican and Democratic leadership of the Senate (Senators Mer-

lino, Feldman, Orechio, Hirkala, Maressa, Skevin, Parker, Wallwork, Vreeland and Ewing) and of the Assembly (Assemblymen Jackman, Deverin, Karcher, Brown, Doyle, Schuck, McManimon, Visotcky, Hurley, Gallo, Kavanaugh, Edwards, Saxton and Assemblywoman Muhler), and to the Legislature's partisan staff (Jeffrey Laurenti, Lewis Thurston, Richard Coffee and Joseph Gonzales).

5. On August 11, 1981, I sent a copy of my proposal to all other members of the Legislature.

6. The only written response to my plan which I received from any legislator was a five-page letter from Speaker Christopher J. Jackman dated August 28, 1981. The letter, which is attached as Exhibit B, is on Speaker Jackman's official assembly stationery and indicates that copies were forwarded to Governor Byrne and to all Democratic legislators and Democratic Members of Congress. The only oral responses I received were from several legislators who simply acknowledged receipt of my plan.

7. My original plan created fourteen Congressional districts with an overall absolute range of deviation of 1,710 people, and an overall relative range of deviation of 0.325%. By contrast, P.L. 1982, c.1, the plan ultimately adopted by the Legislature, has an overall absolute range of deviation of 3,674 people, and an overall relative range of deviation of 0.6984%. My plan, with minor changes in two districts which did not affect the range of deviation, was proposed for introduction by Assemblyman Hardwicke as A-3817 on January 11, 1981. In addition to having been available to the Legislature as early as August 1981, therefore, my plan was thus also available in bill form more than one week before the enactment of P.L. 1982, c.1.

8. On October 30, 1981, the Bureau of the Census announced that it had discovered an error in the census

of East Orange. This adjustment increased the population of East Orange by 665 people. When this change is taken into account, the overall absolute range of deviation in my plan increases to 2,375 people, and the relative range to 0.451%—still less deviation than the present law. Moreover, the increase made it possible to redraw certain district lines in my plan to achieve an even smaller deviation than in my original plan. To demonstrate this fact, I prepared an addendum to my original plan to take this change into account on February 16, 1982. My addendum, which is attached as Exhibit C, reduces the overall absolute and relative ranges of deviation from my original plan. The overall absolute range is reduced from 1,710 to 1,556 people, and the overall relative range is reduced from 0.325% to 0.296%.

9. I prepared my redistricting plan in such a way as to satisfy the constitutional standard established by the United States Supreme Court: population equality among districts. As I have shown, my plan was available to the Legislature at the time the present law was enacted and achieves greater population equality among the fourteen districts than does the present law.

10. Moreover, in *David v. Cahill* this Court recognized a number of criteria which it considered relevant to its determination of what plan it would adopt. Although these considerations will become pertinent in the present case only in the event that the Legislature fails to enact a constitutional plan after the present law is declared unconstitutional, objective examination of them reveals that my plan achieves greater success on every criterion on which it and the present law differ.

11. One example is the minimization of the number of incumbent Members of Congress who are placed in districts with other incumbents. In order to effect the reduction from 15 to 14 seats, at least two Members of Congress must be placed in the same district. My plan,

therefore, places only the minimum two incumbent Members in the same district. In order to be fair, I chose the two freshmen Members from different parties with adjacent districts: Congressmen Smith (R) and Dwyer (D). P.L. 1982, c.1, by contrast, places six incumbents in districts with other incumbents. Because of the recognized power of incumbency to elect a particular incumbent even when his or her district is predominantly composed of members of the other political party, the effect of the present law's unnecessary pairing of incumbents is artificially to dislocate and alter the political orientation of New Jersey's congressional delegation.

12. My plan also minimizes the number of times that New Jersey's 21 counties are fragmented by the congressional districting plan. A county fragment is created each time a congressional district includes only a portion of a particular county. My plan divides the 21 counties into only 45 fragments, while the present law divides them into 55 fragments.

13. Attached hereto as Exhibit D is a map illustrating the districts created by my original plan. Since the East Orange population increase required changes in certain districts, I have attached as Exhibit E a revised map for northern New Jersey which reflects these changes.

/s/ Ernest C. Reock, Jr.
ERNEST C. REOCK, JR.

[Notarization Omitted in Printing]

Exhibit A

[SEAL] July 31, 1981
RUTGERS
The State University
of New Jersey

A PROPOSAL FOR CONGRESSIONAL DISTRICTS IN NEW JERSEY

Ernest C. Reock, Jr.
Bureau of Government Research
RUTGERS, The State University of New Jersey

The fifteen Congressional Districts used in New Jersey during the 1970's were established by a Federal District Court order pursuant to William David, et al. v. William T. Cahill, 342 *Fed. Supp.* 463, decided April 12, 1972 (See Map 1). While the districts came very close to having precisely equal populations according to the 1970 Census, varying growth patterns since that time have made them very unequal in population. Areas of North Jersey have lost population, while some sections of South Jersey and northwestern New Jersey have had rapid growth. Table 1 shows the 1970 and 1980 populations of the present 15 districts. It is obvious that substantial changes would have to be made to bring the districts again into an acceptable pattern of population equality even if the number of districts were to remain unchanged.

However, the number will not remain unchanged. New Jersey's population grew during the 1970's at a rate substantially below the national growth rate, with the result that the number of seats in the House of Representatives assigned to the state has been reduced from 15 to 14. If action is not taken to re-draw New Jersey's Congressional Districts in time for the 1982 elections, the entire state delegation must be elected at large according to Federal statutes.

The courts generally have required a greater degree of population equality among Congressional Districts than

MAP 1
EXISTING
CONGRESSIONAL DISTRICTS
1981

for State legislative districts, where up to a 10% variation between districts has been considered acceptable. The Federal District Court in David v. Cahill indicated that minimum population deviations among districts is of paramount importance, and the plan ordered into effect did achieve a high degree of population equality (See Table 1). The difference in 1970 population between the largest Congressional District and the smallest was only 812 persons, or 0.17% of the average district population of 478,074. The average relative deviation of all

Table 1. Existing Congressional Districts in New Jersey; Population 1970 and 1980.

Congressional District	1970 Population	Relative Deviation [1]	1980 Population	Relative Deviation [1]
1	478,002	−.015%	524,125	+ 6.759%
2	478,126	+.011	610,529	+ 24.359
3	478,069	−.001	535,439	+ 9.064
4	478,221	+.031	478,290	− 2.577
5	477,789	−.060	473,351	− 3.583
6	478,109	−.007	572,112	+ 16.533
7	478,157	+.017	447,619	− 8.824
8	478,444	+.077	462,340	− 5.826
9	478,098	+.005	459,966	− 6.310
10	477,730	−.072	426,370	− 13.153
11	478,542	+.098	449,556	− 8.430
12	477,887	−.039	443,033	− 9.759
13	478,245	+.036	577,078	+ 17.545
14	477,744	−.069	428,399	− 12.739
15	477,949	−.026	475,951	− 3.054
Total	7,171,112	.564%	7,364,158	148.515%
Average	478,074	.038%	490,944	9.901%
Range [2]	812	.170%	184,159	37.511%

[1] The relative deviation of a district is the percentage by which the population of the district differs from the average district population.

[2] The range of deviations is the difference between the largest and smallest district populations. The range of relative deviations is the absolute range divided by the average district population and expressed as a percentage.

Congressional Districts was only 0.038%.[1] Subsequently, the U.S. Supreme Court, in White v. Weiser, 412 *U.S.* 783 (1973), directed Texas to use a redistricting plan having a range of deviation of 0.149%, rather than a competing plan with a 0.284% range.

In ordering use of the present districts, the Federal District Court listed several other features of a redistricting plan as appropriate, including:

(1) contiguous territory;

(2) compact territory;

(3) preservation of whole municipalities within districts;

(4) minimum fragmentation of counties;

(5) recognition of population increases in new communities and decreases in older communities; and

(6) use of the last legislative determination as the starting point for the new districts.

Presumably, all of these factors constituted justification for some slight variations in population, since the court passed over a competing plan which reduced the range between the largest and smallest districts to only 15 persons (0.003%). In the court's view, the plan put into effect provided the best balance of all appropriate criteria. This plan, in fact, met the court's own criteria in varying degree:

---

[1] Actually, the court thought that it was ordering an even more precise plan into effect. The "corrected" 1970 census data then available indicated districts having a population difference of only 714 persons (.149%) between the largest and smallest districts and an average relative deviation of 0.029%. Subsequently, the "revised" 1970 census figures shown in Table 1 were issued with a small effect on district population equality.

Contiguous Territory

All of the Congressional Districts were formed of contiguous territory[1]—but some just barely. The Sixth District and, to a lesser extent, the Fourth District, come close to including non-contiguous areas.

Compact Boundaries

Several districts appeared to be a long way from being compact. Table 2 shows the degree of compactness by one measure—the area of the district expressed as a percentage of the smallest possible circumscribing circle.[2] Two districts, the Fourth and Sixth, fell below 25% in degree of compactness, while seven districts were below 30%.

Whole Municipalities

No municipalities were divided.[3]

Minimum Fragmentation of Counties

The state's 21 counties were divided into 42 pieces by Congressional District lines.[3]

Recognition of Population Increases and Decreases

The court indicated that this criterion was met in the approved plan, since the number of Congressional seats assigned to Bergen, Hudson, and Essex Counties—which

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[1] With the exception of an uninhabited and detached section of South Hackensack.

[2] For a discussion of this measure of compactness, see *Midwest Journal of Political Science*, Vol. V, No. 1, February, 1961.

[3] The preservation of subdivision boundaries as a justification for variations in Congressional District population is called into question by the U.S. Supreme Court in White v. Weiser. Nevertheless, the court did allow to stand in that case a Texas redistricting plan having a range of deviation of 0.149%, a figure which presumably could have been reduced by further fragmenting of local governmental units.

had gained little population—was reduced from six to five. Actually, the criterion becomes redundant if strict population equality is required among the Congressional Districts.

Use of the Last Legislative Determination of Districts as a Starting Point

The court interpreted this criterion to mean that, where possible, new Congressional Districts should disturb existing constituencies as little as possible. Here the court felt that the plan ordered into effect did meet this criterion, although no population data were reported, and a dissenting judge had a different opinion.

Table 2. Degree of Compactness of Existing Congressional Districts in New Jersey; Measured by Area of District as Percentage of Smallest Possible Circumscribing Circle

Congressional District	Area of District	Area of Smallest Circumscribing Circle [1]	Degree of Compactness
1	508	1,099	46%
2	2,355	6,362	37
3	444	887	50
4	441	1,810	24
5	518	1,795	29
6	623	2,679	23
7	146	408	36
8	189	670	28
9	95	346	27
10	31	87	36
11	85	241	35
12	89	243	37
13	1,724	4,754	36
14	33	131	25
15	207	745	28
Mean Average [2]			33%

[1] In square miles.

[2] The mean average is the sum of the individual district degrees of compactness, divided by the number of districts.

The fact that only two incumbent Congressmen were placed in the same new district was taken by the court as evidence that the new districts did preserve existing constituencies to a high degree.[1]

Proposed Districts

The main purpose of this research paper is to propose a set of Congressional Districts which is as fair and non-partisan as possible. The drawing of district lines is a responsibility of the State Legislature and the Governor. Obviously, both political parties have an intense interest in how the districts are drawn, and both parties will attempt to maximize the advantages for their own candidates. However, provisions for a fair and neutral representative process are of such importance in a democracy that the task should not be left solely to the political parties. It is hoped that the presentation of a neutral plan will provide a fair alternative and, possibly, a standard against which other plans may be measured. It is also hoped that this plan is truly fair and non-partisan.

Consolidation of Existing Districts

Probably the most sensitive decision in the 1981 districting process is due to the necessity of reducing the number of districts from 14 to 15. Assuming that an attempt should be made to preserve the existing pattern of Congressional Districts so far as possible, which two of the present districts should be consolidated? Which two of the incumbents should be placed together in a single future district? It is to be expected that most partisan districting plans will deal with these questions in a partisan manner, placing two incumbents of the opposite party in the same district if at all possible. On

[1] In White v. Weiser, the U.S. Supreme Court indicated that preservation of incumbents within their Congressional Districts did not constitute an invidious objective which would disqualify a districting plan, but the court stopped short of endorsing this objective as a desirable attribute of a plan.

the other hand, a plan which is intended as neutral must take the opposite approach. *If the plan is to be truly neutral, it must achieve the reduction from 15 to 14 districts by including in a single district one incumbent of each party.*

The question then arises, which pair of adjacent districts having Republican and Democratic incumbents should be consolidated? The existing 15 districts present 17 possible combinations of adjacent Republican-Democratic incumbents. One approach would be to select the pair of districts having the smallest 1980 combined population. Other alternatives might be to examine the existing districts for compactness or for the degree to which they fragment counties, selecting the pair of districts which fall farthest below some desirable standard by these criteria as the pair to be consolidated. A third approach might be to concentrate on the incumbents, selecting the pair of districts having incumbents with the least seniority. No single, completely unassailable criterion is apparent; any decision inevitably will result in damage to some interests and will be subject to criticism. Nevertheless, some decision must be made.

The decision as to which pair of districts to consolidate varies, depending on the criterion used. However, the first three criteria suggested—1980 population of the districts, degree of compactness, and fragmentation of counties—all relate to the existing districts, and all presumably will be changed in the districting process. It seems appropriate, therefore, to base the plan on the criterion which will carry over into the new districts and which will have an impact on the future representation of New Jersey in Congress—seniority of the incumbents. If seniority is most important, the choice is clear. The Fourth District and the Fifteenth District both are represented by freshman members of the House of Representatives, Christopher Smith and Bernard Dwyer. No other pair of districts comes close to this low level of seniority. This proposed districting plan, therefore, has

been built around a consolidation of the Fourth and Fifteenth Districts in order to reduce the total number of districts from 15 to 14. The consolidated district will be called the Fourth District.

The 14 proposed Congressional Districts are shown on May 2, and a listing of the communities included in each is contained in the Appendix. An effort has been made to meet the criteria used by the Federal District Court in David v. Cahill.

Population Equality

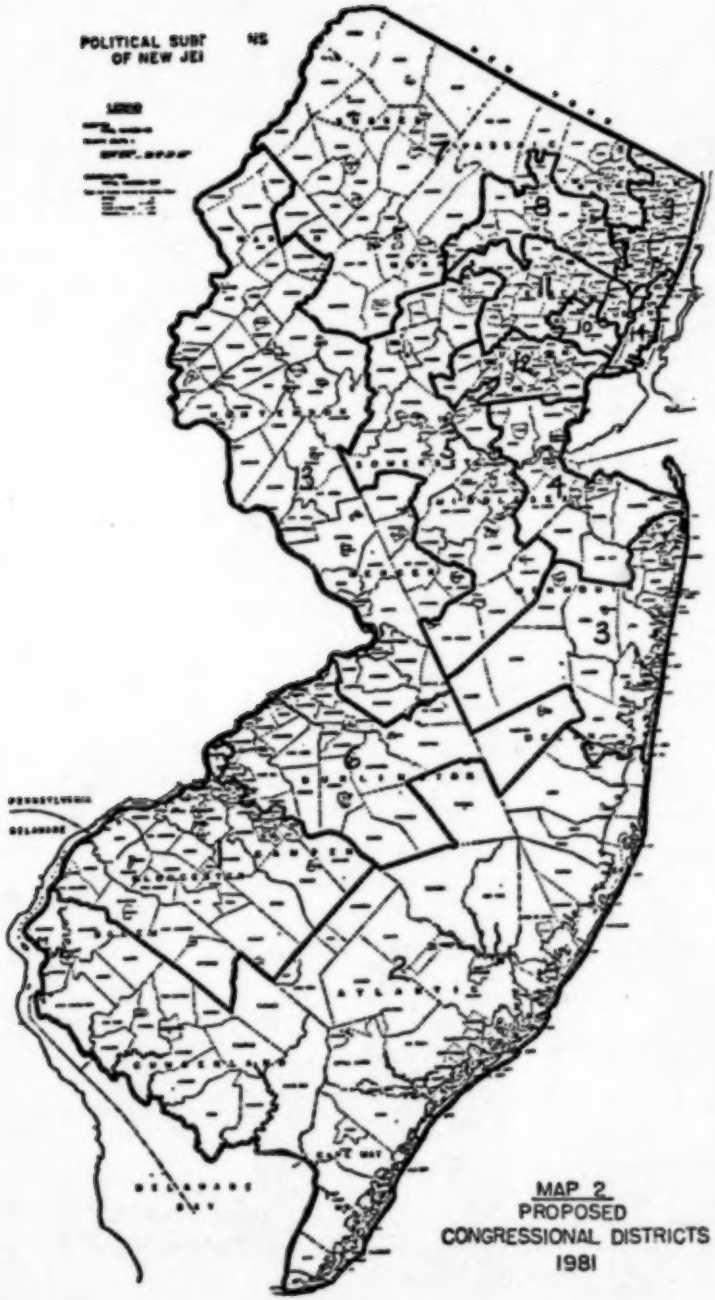
The populations of the proposed districts are shown in Table 3. The range of population from the smallest dis-

Table 3. Proposed Congressional District Plan for 14 Districts Using 1980 Population

Proposed Congressional District	1980 Population	Relative Deviation [1]
1	525,784	−.043%
2	525,915	−.018
3	525,794	−.041
4	525,788	−.042
5	526,182	+.032
6	526,054	+.008
7	526,283	+.052
8	526,337	+.062
9	525,726	−.054
10	527,008	+.189
11	525,298	−.136
12	526,464	+.086
13	526,189	+.034
14	525,336	−.128
Total	7,364,158	.925%
Average	526,011	.066%
Range [2]	1,710	.325%

[1] The relative deviation of a district is the percentage by which the population of the district differs from the average district population.

[2] The range of deviations is the difference between the largest and smallest district populations. The range of relative deviations is the absolute range divided by the average district population and expressed as a percentage.



MAP 2
PROPOSED
CONGRESSIONAL DISTRICTS
1981

trict to the largest is 1,710 persons, or 0.325%. This is a greater variation than in the 1972 plan, when the range was 812 persons, or 0.170%. It may be noted, however, that the largest and smallest proposed districts are the adjacent Tenth and Eleventh Districts. While they might possibly be re-drawn to achieve slightly more equal population figures, this almost certainly would result either in splitting the Black community in Essex County or in splitting municipalities. The Tenth District, as proposed, has a population which is 57% Black. If these two districts are omitted, the range of deviation drops to 1,128 or 0.214%.

Contiguous-Territory

All proposed districts are formed of contiguous territory.

Compact Boundaries

If the standard of the smallest possible circumscribing circle is used to measure compactness, the proposed new districts are at least comparable to the existing districts (See Table 4). Again, two districts fall below a 25% degree of compactness but only three, instead of seven, are below 30%. Moreover, the average degree of compactness is improved from 33% to 36%. The major weakness is the Fourteenth District which stretches along the Hudson County waterfront and achieves only a 17% degree of compactness.

Whole Municipalities

No municipalities are divided in this plan.

Minimum Fragmentation of Counties

Here there is a less satisfactory solution than in 1972, with the state's 21 counties being divided into 45 segments instead of 42.

Recognition of Population Increases and Decreases

This is a redundant criterion if population equality is attained. It may be noted, however, that the proposed South Jersey districts, where most of the state's growth is taking place, are all slightly below the average population size, although the deviations are so small as to be relatively insignificant.

Use of the Last Legislative Determination of Districts as a Starting Point

The proposed districts were constructed in precisely this way, beginning with the 15 existing districts, settling upon the consolidation of two of them, and then adding or subtracting municipalities until a satisfactory popula-

Table 4. Degree of Compactness of Proposed Congressional Districting Plan for 14 Districts; Measured by Area of District as Percentage of Area of Smallest Possible Circumscribing Circle

Proposed Congressional District	Area of District [1]	Area of Smallest Circumscribing Circle [1]	Degree of Compactness
1	656	1,344	49%
2	2,102	6,487	32%
3	459	1,237	37%
4	271	726	37%
5	622	2,256	28%
6	567	1,768	32%
7	1,036	2,098	49%
8	162	471	34%
9	115	314	37%
10	37	65	57%
11	170	554	31%
12	141	423	33%
13	1,118	4,681	24%
14	32	193	17%
Mean Average [2]			36%

[1] In square miles.

[2] The mean average is the sum of the individual district degrees of compactness, divided by the number of districts.

tion was reached. With the exception of Congressman Dwyer and Smith, no incumbent members of Congress are placed in direct competition in a proposed district. Moreover, the political complexion of the districts continues to be reflected by the party affiliation of the incumbents.

Political Orientation of the Proposed Districts

A test of the political orientation of the proposed districts is somewhat involved because of the substantial "incumbency factor" in Congressional elections. Incumbent members of Congress frequently are able to gain re-election in districts which otherwise appear oriented toward the opposite party. Thus, the votes cast in past elections for an incumbent in such an area may not be transferable to some other candidate of the same party who acquires that area in the re-districting process. In order to evaluate the political orientation of the new districts, the 1980 votes cast for each incumbent have been counted *only for those areas which that incumbent would retain* under the proposed districting plan. For new areas added to an incumbent's district, the average votes for party candidates in the 1979 election for General Assembly have been used as a better measure of the political orientation of communities involved. In this way it is hoped that the estimates will be adjusted for the "incumbency factor". The results are shown in Table 5. In every case, the incumbent retains a majority of the estimated party votes, although sometimes by a reduced margin. The proposed Fourth District, including incumbents from both parties, appears to be a highly competitive district, with a 50.9% margin for the Democrats. Over-all, more than two-thirds of the 1980 voters of the state are continued in their present Congressional Districts under the proposed plan.

As a rough test of the fairness of the proposed districting plan, the votes shown in Table 5 can be analyzed

Table 5. Political Analysis of Proposed Congressional Districts

Districts and Incumbents	Political Orientation of District	Democratic	Republican	Total	Percentage Carried Over
1 Florio (D)	Carry-Over Votes	138,255 (78.6%)	37,563 (21.4%)	175,818	93.7%
	Est. New Votes	7,292 (61.7%)	4,527 (38.3%)	11,819	
	Est. Total Votes	145,547 (77.6%)	42,090 (22.4%)	187,637	
2 Hughes (D)	Carry-Over Votes	117,506 (60.2%)	77,651 (39.8%)	195,157	100.0%
	Est. New Votes	- -	- -	-	
	Est. Total Votes	117,506 (60.2%)	77,651 (39.8%)	195,157	
3 Howard (D)	Carry-Over Votes	71,993 (52.0%)	66,564 (48.0%)	138,557	68.2%
	Est. New Votes	33,962 (52.5%)	30,727 (47.5%)	64,689	
	Est. Total Votes	105,955 (52.1%)	97,291 (47.9%)	203,246	
4 Smith(R) Dwyer(D)	Carry-Over Votes				
	From C.D. 4	9,745 (38.9%)	15,317 (61.1%)	25,062	12.8%
	From C.D.15	58,446 (53.5%)	50,820 (46.5%)	109,266	55.6%
	Est. New Votes	31,789 (51.1%)	30,420 (48.9%)	62,209	
	Est. Total Votes	99,980 (50.9%)	96,557 (49.1%)	196,537	
5 Fenwick (R)	Carry-Over Votes	24,433 (22.7%)	83,080 (77.3%)	107,513	54.2%
	Est. New Votes	55,524 (61.0%)	35,499 (39.0%)	91,023	
	Est. Total Votes	79,957 (40.3%)	118,579 (59.7%)	198,536	
6 Forsythe (R)	Carry-Over Votes	68,377 (43.2%)	89,588 (56.7%)	157,965	78.9%
	Est. New Votes	19,885 (47.1%)	22,333 (52.9%)	42,218	
	Est. Total Votes	88,262 (44.1%)	111,921 (55.9%)	200,183	
7 Roukema (R)	Carry-Over Votes	46,010 (43.9%)	58,718 (56.1%)	104,728	49.4%
	Est. New Votes	41,848 (38.9%)	65,730 (61.1%)	107,578	
	Est. Total Votes	87,858 (41.4%)	124,448 (58.6%)	212,306	
8 Roe (D)	Carry-Over Votes	86,905 (69.2%)	38,644 (30.8%)	125,549	74.9%
	Est. New Votes	16,664 (39.6%)	25,417 (60.4%)	42,081	
	Est. Total Votes	103,569 (61.4%)	64,061 (38.2%)	167,630	
9 Hollenbeck (R)	Carry-Over Votes	48,668 (37.1%)	82,470 (62.9%)	131,138	55.8%
	Est. New Votes	49,705 (47.9%)	54,064 (52.1%)	103,769	
	Est. Total Votes	98,373 (41.9%)	136,534 (58.1%)	234,907	
10 Rodino (D)	Carry-Over Votes	73,922 (87.7%)	10,360 (12.3%)	84,282	75.1%
	Est. New Votes	17,739 (63.4%)	10,240 (36.6%)	27,979	
	Est. Total Votes	91,661 (81.6%)	20,600 (18.4%)	112,261	
11 Minish (D)	Carry-Over Votes	74,848 (62.7%)	44,606 (37.3%)	119,454	55.6%
	Est. New Votes	38,926 (40.8%)	56,480 (59.2%)	95,406	
	Est. Total Votes	113,774 (53.0%)	101,086 (47.0%)	214,860	
12 Rinaldo (R)	Carry-Over Votes	36,543 (21.3%)	134,889 (78.7%)	171,432	84.1%
	Est. New Votes	13,578 (41.8%)	18,905 (58.2%)	32,483	
	Est. Total Votes	50,121 (24.6%)	153,794 (75.4%)	203,915	
13 Courter (R)	Carry-Over Votes	23,721 (29.1%)	57,777 (70.9%)	81,498	42.8%
	Est. New Votes	64,679 (59.5%)	44,025 (40.5%)	108,704	
	Est. Total Votes	88,400 (46.5%)	101,802 (53.5%)	190,202	
14 Guarini (D)	Carry-Over Votes	80,108 (67.0%)	39,409 (33.0%)	119,517	72.9%
	Est. New Votes	31,471 (70.7%)	13,042 (29.3%)	44,513	
	Est. Total Votes	111,579 (68.0%)	52,451 (32.0%)	164,030	
TOTAL	Carry-Over Votes	959,480	887,456	1,846,936	68.9%
	Est. New Votes	423,063	411,409	834,471	
	Est. Total Votes	1,382,543 (51.6%)	1,298,865 (48.4%)	2,681,408	

in terms of what they would show if the total popular vote split evenly. The state-wide percentage using the combined 1979-1980 election returns, as described above, yields a 51.6% Democratic margin. If 1.6% is subtracted from the Democratic percentage in every district, to approximate an even split of the total popular vote, the result is a seven to seven decision of the Congressional District results. On this basis, it appears that the proposed plan is fair to both political parties, as well as providing districts which are nearly equal in population, are formed of contiguous territory, are reasonably compact, do not split municipalities, do not fragment counties unduly, and carry over most of the state's voters in their present Congressional Districts.

Appendix

Proposed Congressional Districts

Proposed District 1

Camden County		
Audubon Borough	9,533	
Barrington Borough	7,418	
Bellmawr Borough	13,721	
Berlin Borough	5,786	
Berlin Township	5,348	
Brooklawn Borough	2,133	
Camden City	84,910	
Chesilhurst Borough	1,590	
Clementon Borough	5,764	
Gibbsboro Borough	2,510	
Gloucester Township	45,156	
Gloucester City City	13,121	
Haddon Heights Borough	8,361	
Hi-Nella Borough	1,250	
Laurel Springs Borough	2,249	
Lindenwold Borough	18,196	
Mount Ephaim Borough	4,863	
Pine Hill Borough	8,684	
Pine Valley Borough	23	
Runnemede Borough	9,461	
Somerdale Borough	5,900	
Stratford Borough	8,005	
Waterford Township	8,126	
Winslow Township	20,034	
	292,142	292,142
Gloucester County	199,917	199,917
Salem County		
Carneys Point Township	8,396	
Elmer Borough	1,569	
Oldmans Township	1,847	
Penns Grove Borough	5,760	
Pilesgrove Township	2,810	
Pittsgrove Township	6,954	
Upper Pittsgrove Township	3,139	
Woodstown Borough	3,250	
	33,725	33,725
		525,784

Proposed District 2		
Atlantic County	194,119	194,119
Burlington County		
Bass River Township	1,344	
Washington Township	808	
Woodland Township	2,285	
	4,437	4,437
Cape May County	82,266	82,266
Cumberland County	132,866	132,866
Ocean County		
Barnegat Township	8,702	
Barnegat Light Borough	619	
Beach Haven Borough	1,714	
Berkeley Township	23,151	
Eagleswood Township	1,009	
Harvey Cedars Borough	363	
Lacey Township	14,161	
Little Egg Harbor Township	8,483	
Long Beach Township	3,488	
Ocean Township	3,731	
Ship Bottom Borough	1,427	
Stafford Township	10,385	
Surf City Borough	1,571	
Tuckerton Borough	2,472	
	81,276	81,276
Salem County		
Alloway Township	2,680	
Elsinboro Township	1,290	
Lower Alloway Creek Township	1,547	
Mannington Township	1,740	
Pennsville Township	13,848	
Quinton Township	2,887	
Salem City	6,959	
	30,951	30,951
		525,915
Proposed District 3		
Monmouth County		
Allenhurst Borough	912	
Asbury Park City	17,015	
Avon-by-the-Sea Borough	2,337	
Belmar Borough	6,771	
Bradley Beach Borough	4,772	
Brielle Borough	4,068	
Deal Borough	1,952	

Eatontown Borough	12,703	
Fair Haven Borough	5,679	
Farmingdale Borough	1,348	
Freehold Borough	10,020	
Freehold Township	19,202	
Howell Township	25,065	
Interlaken Borough	1,037	
Little Silver Borough	5,548	
Loch Arbour Village	369	
Long Branch City	29,819	
Manasquan Borough	5,354	
Monmouth Beach Borough	3,318	
Neptune Township	28,366	
Neptune City Borough	5,276	
Ocean Township	23,570	
Oceanport Borough	5,888	
Red Bank Borough	12,031	
Rumson Borough	7,623	
Sea Girt Borough	2,650	
Shrewsbury Borough	2,962	
Shrewsbury Township	995	
South Belmar Borough	1,566	
Spring Lake Borough	4,215	
Spring Lake Heights Borough	5,424	
Tinton Falls Borough	7,740	
Wall Township	18,952	
West Long Branch Borough	7,380	
	291,927	291,927
Ocean County		
Bay Head Borough	1,340	
Beachwood Borough	7,687	
Brick Township	53,629	
Dover Township	64,455	
Island Heights Borough	1,575	
Jackson Townhsip	25,644	
Lakewood Township	38,464	
Lavallette Borough	2,072	
Mantoloking Borough	433	
Ocean Gate Borough	1,385	
Pine Beach Borough	1,796	
Plumsted Township	4,674	
Point Pleasant Borough	17,747	
Point Pleasant Beach Borough	5,415	
Seaside Heights Borough	1,802	
Seaside Park Borough	1,795	
South Toms River Borough	3,954	
	233,867	233,867
		525,794

Proposed District 4

Middlesex County		
Carteret Borough	20,598	
Edison Township	70,193	
Metuchen Borough	13,762	
Old Bridge Township	51,515	
Perth Amboy City	38,951	
Sayreville Borough	29,969	
South Amboy City	8,322	
South Plainfield Borough	20,521	
Woodbridge Township	90,074	
	343,905	343,905
Monmouth County		
Aberdeen Township	17,235	
Atlantic Highlands Borough	4,950	
Colts Neck Township	7,888	
Hazlet Township	23,013	
Highlands Borough	5,187	
Holmdel Township	8,447	
Keansburg Borough	10,613	
Keyport Borough	7,413	
Marlboro Township	17,560	
Matawan Borough	8,837	
Middletown Township	62,574	
Sea Bright Borough	1,812	
Union Beach Borough	6,354	
	181,883	181,883
		525,788

Proposed District 5

Middlesex County		
Cranbury Township	1,927	
Dunellen Borough	6,593	
East Brunswick Township	37,711	
Helmetta Borough	955	
Highland Park Borough	13,396	
Jamesburg Borough	4,114	
Middlesex Borough	13,480	
Milltown Borough	7,136	
Monroe Township	15,858	
New Brunswick City	41,442	
North Brunswick Township	22,220	
Piscataway Township	42,223	
Plainsboro Township	5,605	
South Brunswick Township	17,127	
South River Borough	14,361	
Spotswood Borough	7,840	
	251,988	251,988

Monmouth County		
Allentown Borough	1,962	
Englishtown Borough	976	
Manalapan Township	18,914	
Millstone Township	3,926	
Roosevelt Borough	835	
Upper Freehold Township	2,750	
	29,363	29,363
Morris County		
Hanover Township	11,846	
Harding Township	3,236	
Mendham Borough	4,899	
Mendham Township	4,488	
Morris Township	18,486	
Morris Plains Borough	5,305	
Morristown Town	16,614	
	64,874	64,874
Somerset County		
Bedminster Township	2,469	
Bernards Township	12,920	
Bernardsville Borough	6,715	
Bound Brook Borough	9,710	
Branchburg Township	7,846	
Bridgewater Township	29,175	
Far Hills Borough	677	
Franklin Township	31,358	
Green Brook Township	4,640	
Hillsborough Township	19,061	
Manville Borough	11,278	
Millstone Borough	530	
North Plainfield Borough	19,108	
Peapack and Gladstone Borough	2,038	
Raritan Borough	6,128	
Somerville Borough	11,973	
South Bound Brook Borough	4,331	
	179,957	179,957
		526,182

Proposed District 6

Burlington County		
Beverly City	2,919	
Burlington City	10,246	
Burlington Township	11,527	
Cinnaminson Township	16,072	
Delanco Township	3,730	
Delran Township	14,811	
Eastampton Township	3,814	
Edgewater Park Township	9,273	
Evesham Township	21,659	
Hainesport Township	3,236	
Lumberton Township	5,236	
Maple Shade Township	20,525	
Medford Township	17,471	
Medford Lakes Borough	4,958	
Moorestown Township	15,596	
Mount Holly Township	10,818	
Mount Laural Township	17,614	
New Hanover Township	14,258	
Palmyra Borough	7,085	
Pemberton Borough	1,198	
Pemberton Township	29,720	
Riverside Township	7,941	
Riverton Borough	3,068	
Shamong Township	4,537	
Southampton Township	8,808	
Tabernacle Township	6,236	
Westampton Township	3,383	
Willingboro Township	39,912	
	315,651	315,651
Camden County		
Audubon Park Borough	1,274	
Cherry Hill Township	68,785	
Collingswood Borough	15,838	
Haddon Township	15,875	
Haddonfield Borough	12,337	
Lawnside Borough	3,042	
Magnolia Borough	4,881	
Merchantville Borough	3,972	
Oaklyn Borough	4,223	
Pennsauken Township	33,775	
Tavistock Borough	9	
Voorhees Township	12,919	
Woodlynne Borough	2,578	
	179,508	179,508

Ocean County		
Lakehurst Borough	2,908	
Manchester Township	27,987	
	30,895	30,895
		526,054

Proposed District 7

Bergen County		
Allendale Borough	5,901	
Fair Lawn Borough	32,229	
Franklin Lakes Borough	8,769	
Glen Rock Borough	11,497	
Hillsdale Borough	10,495	
Ho-ho-kus Borough	4,129	
Mahwah Township	12,127	
Midland Park Borough	7,381	
Oakland Borough	13,443	
Paramus Borough	26,474	
Ramsey Borough	12,899	
Ridgewood Village	25,208	
Saddle River Borough	2,763	
Upper Saddle River Borough	7,958	
Waldick Borough	10,802	
Woodcliff Lake Borough	5,644	
Wyckoff Township	15,500	
	213,219	213,219
Morris County		
Butler Borough	7,616	
Chester Borough	1,433	
Chester Township	5,198	
Dover Town	14,681	
Jefferson Township	16,413	
Mine Hill Township	3,325	
Mount Arlington Borough	4,251	
Mount Olive Township	18,748	
Netcong Borough	3,557	
Randolph Township	17,828	
Rockaway Township	19,850	
Roxbury Township	18,878	
Victory Gardens Borough	1,043	
Washington Township	11,402	
Wharton Borough	5,485	
	149,708	149,708

Passaic County		
Bloomingdale County	7,867	
Ringwood Borough	12,625	
West Milford Township	22,750	
	43,242	43,242
Sussex County	116,119	116,119
Warren County		
Allamuchy Township	2,560	
Frelinghuysen Township	1,435	
	3,995	3,995
		526,283
Proposed District 8		
Bergen County		
Garfield City	26,803	
Wallington Borough	10,741	
	37,544	37,544
Morris County		
Boonton Town	8,620	
Boonton Township	3,273	
Denville Township	14,380	
Kinnelon Borough	7,770	
Lincoln Park Borough	8,806	
Montville Township	14,290	
Mountain Lakes Borough	4,153	
Pequannock Township	13,776	
Riverdale Borough	2,530	
Rockaway Borough	6,852	
	84,450	84,450
Passaic County		
Clifton City	74,388	
Haledon Borough	6,607	
Hawthorne Borough	18,200	
Little Falls Township	11,496	
North Haledon Borough	8,177	
Passaic City	52,463	
Paterson City	137,970	
Pompton Lakes Borough	10,660	
Prospect Park Borough	5,142	
Totowa Borough	11,448	
Wanaque Borough	10,025	
Wayne Township	46,474	
West Paterson Borough	11,293	
	404,343	404,343
		526,337

Proposed District 9

Bergen County		
Alpine Borough	1,549	
Bergenfield Borough	25,568	
Bogota Borough	8,344	
Carlstadt Borough	6,166	
Closter Borough	8,164	
Cresskill Borough	7,609	
Demarest Borough	4,963	
Dumont Borough	18,334	
East Rutherford Borough	7,849	
Edgewater Borough	4,628	
Elmwood Park Borough	18,377	
Emerson Borough	7,793	
Englewood City	23,701	
Englewood Cliffs Borough	5,698	
Fort Lee Borough	32,449	
Hackensack City	36,439	
Harrington Park Borough	4,532	
Hasbrouck Heights Borough	12,166	
Haworth Borough	3,509	
Leonia Borough	8,027	
Little Ferry Borough	9,399	
Lodi Borough	23,956	
Maywood Borough	9,895	
Montvale Borough	7,318	
Moonachie Borough	2,706	
New Milford Borough	16,876	
Northvale Borough	5,046	
Norwood Borough	4,413	
Old Tappan Borough	4,168	
Oradell Borough	8,658	
Palisades Park Borough	13,732	
Park Ridge Borough	8,515	
Ridgefield Borough	10,294	
Ridgefield Park Village	12,738	
River Edge Borough	11,111	
River Vale Township	9,489	
Rochelle Park Township	5,603	
Rockleigh Borough	192	
Rutherford Borough	19,068	
Saddle Brook Township	14,084	
South Hackensack Township	2,229	
Teaneck Township	39,007	
Tenafly Borough	13,552	
Teterboro Borough	19	
Washington Township	9,550	
Westwood Borough	10,714	
Wood-Ridge Borough	7,929	
	525,726	525,726

Proposed District 10

Essex County		
East Orange City	77,025	
Irvington Town	61,493	
Newark City	329,248	
Orange City	31,136	
South Orange Village Township	15,864	
	514,766	514,766
Hudson County		
Harrison Town	12,242	12,242
		527,008

Proposed District 11

Bergen County		
Lyndhurst Township	20,326	
North Arlington Borough	16,587	
	36,913	36,913
Essex County		
Belleville Town	35,367	
Bloomfield Town	47,792	
Caldwell Borough	7,624	
Cedar Grove Township	12,600	
Essex Fells Borough	2,363	
Fairfield Township	7,987	
Glen Ridge Borough	7,855	
Livingston Township	28,040	
Maplewood Township	22,950	
Millburn Township	19,543	
Montclair Town	38,321	
North Caldwell Borough	5,832	
Nutley Town	28,998	
Roseland Borough	5,330	
Verona Borough	14,166	
West Caldwell Borough	11,407	
West Orange Town	39,510	
	335,685	335,685
Hudson County		
East Newark Borough	1,923	
Kearny Town	35,735	
Secaucus Town	13,719	
	51,377	51,377

Morris County		
Chatham Borough	8,537	
Chatham Township	8,883	
East Hanover Township	9,319	
Florham Park Borough	9,359	
Madison Borough	15,357	
Parsippany-Troy Hills Township	49,868	
	101,323	101,323
		525,298
Proposed District 12		
Morris County		
Passaic Township	7,275	7,275
Somerset County		
Warren Township	9,805	
Watchung Borough	5,290	
	15,095	15,095
Union County	504,094	504,094
		526,464
Proposed District 13		
Burlington County		
Bordentown City	4,441	
Bordentown Township	7,170	
Chesterfield Township	3,867	
Fieldsboro Borough	597	
Florence Township	9,084	
Mansfield Township	2,523	
North Hanover Township	9,050	
Springfield Township	2,691	
Wrightstown Borough	3,031	
	42,454	42,454
Hunterdon County	87,361	87,361
Mercer County	307,863	307,863
Somerset County		
Montgomery Township	7,360	
Rocky Hill Borough	717	
	8,077	8,077

Warren County		
Alpha Borough	2,644	
Belvidere Town	2,475	
Blairstown Township	4,360	
Franklin Township	2,341	
Greenwich Township	1,738	
Hackettstown Town	8,850	
Hardwick Township	947	
Harmony Township	2,592	
Hope Township	1,468	
Independence Township	2,829	
Knowlton Township	2,074	
Liberty Township	1,730	
Lopatcong Township	4,998	
Mansfield Township	5,780	
Oxford Township	1,659	
Pahaquarry Township	26	
Phillipsburg Town	16,647	
Pohatcong Township	3,856	
Washington Borough	6,429	
Washington Township	4,243	
White Township	2,748	
	80,434	80,434
		526,189

Proposed District 14

Bergen County		
Cliffside Park Borough	21,464	
Fairview Borough	10,519	
	31,983	31,983
Hudson County		
Bayonne City	65,047	
Guttenberg Town	7,340	
Hoboken City	42,460	
Jersey City City	223,532	
North Bergen Township	47,019	
Union City City	55,593	
Weehawken Township	13,168	
West New York Town	39,194	
	493,353	493,353
		525,336

Exhibit B

[SEAL]

General Assembly
of New Jersey
Trenton

Speaker

CHRISTOPHER J. JACKMAN
Assemblyman, District 33 (Hudson)
6110 Monitor Place
West New York, N.J. 07093

Res. 201-868-2637
Bus. 201-861-0961
Leg. Off. 201-861-7266

August 28, 1981

Ernest C. Reock, Jr.
Director
Bureau of Government Research
Rutgers University
New Brunswick, New Jersey 08403

Dear Mr. Reock:

I recently received your letter and plan for New Jersey Congressional districts. I want to thank you for the time and effort you put into your paper. As a principle in the process which will decide New Jersey's Congressional boundaries for the next decade, I have taken this opportunity to respond to your report.

After reading your report I am struck by the suggestion that adherence to the criteria in your report will produce one and only one "fair" map. A further suggestion that this single map then serve as the standard against which all other plans be measured seems to me somewhat presumptious. In fact I am certain that no single scientifically developed blueprint can be applied

in the case of Congressional Apportionment. It is clear that a variety of proposed plans and possible approaches must be explored, all of which have merits as being fair.

Political fairness as it applies to Congressional redistricting is an illusive concept which as you know is often used as a smokescreen for partisan political advantage. Redistricting is a process necessarily comprised of many diverse interests and subjective judgments. Just as several doctors evaluating the same patient could offer several differing but valid opinions, so it is true that those who are directly involved in the apportionment process would be ill advised to set out in the preconceived notion that only one opinion or standard should be recognized. To call your redistricting plan "fair" in comparison to all other plans seems little more than an academic shell game.

In addition I am concerned that assertions about fairness and your urging about establishing standards without recognition of the political process may deny the very real political nature of apportionment. Congressional redistricting is a matter taken up by the entire Legislature. Legislators are elected as members of parties. Those legislators and their parties represent communities of interest which bind members together. Political parties serve to form governing coalitions, without which policies would be in total chaos. The strength of the party-system depends on many varied and quite intricate relationships. As such, the issues inherent in apportionment have come to be defined by parties, negotiated by parties and ultimately solved by parties.

The Federal Courts have utilized very definable features in judging the comparative merits of Congressional apportionment plans. You discuss in your paper the requirements for districts that are contiguous and compact, which do not divide municipalities and adhere to county boundaries wherever possible, which recognize shifts in

populations from older to new communities, and which take into account the previous districts which are being changed. You also recognize that these factors are often in competition with each other and that a sense of priority must be attached to these criteria. When two or more criteria are at odds how should decisions be made? Although we must resort to guessing at judicial intentions, it is regrettable that such decision criteria were not included in your report. While you adequately explain that your proposal does meet judicial standards you do not engage in the more technical discussion of why this plan is better than other possible plans. Statements alluding to its superiority are left unsubstantiated.

In addition to the definable and perhaps measurable criteria by which you drew your plan, apportionment is a political process. No apologies need be made for interests which exist and the pressures which bear upon those who are burdened with the decisions of apportionment. Although you are obviously quite well versed in redistricting law and history, your paper is silent on the important role of community-level politics in apportionment decisions. It is perhaps the process within which Congressional redistricting occurs which dictates its outcome. Without changing the prescribed apportionment process in New Jersey and in other states, it is unlikely that your plan has any chance of adoption. With this in mind, as I'm sure you are aware, it is difficult to understand how you expect legislative action to coincide with your views of the "fairest" plan possible. Why, indeed did you concentrate on alternatives for the solution without even mentioning the political process through which it must pass?

With this in mind, it may be useful to examine the redistricting process and the context within which the New Jersey legislative takes up the issue.

Here in New Jersey the Democratic Party has control over the Congressional apportionment process for the

first time ever. This occurs, as you know, because Democrats hold a majority in both houses of the legislature, as well as being represented in the Governor's seat. Ten years ago, and during every Congressional redistricting in New Jersey's history, Republicans played the predominant role. Each time Republicans sought to legislate districts which would maximize their representation in Congress. And each time Republicans drew districts which were intended to improve upon the previous partisan Congressional representation.

Well, an interesting thing happened along the way—as I'm sure you are aware: the Democratic Party became the dominant party in New Jersey; the party considered more representative of the needs and wishes of New Jersey voters. In the last ten years—under a court-ordered adaptation of a Republican plan—Democratic Congressional candidates have overwhelmingly been the choice of the voters. In those years Democrats have never held less than 8 of the 15 Congressional districts and as many 12. Furthermore, Democratic electoral dominance over the past decade can be established by reviewing the party representation amongst the major political offices. Over the period in which the current districts have been in place, Democrats have dominated the State House at all levels, represent the bulk of the Congressional delegation, and now represent both United States Senators.

The political analysis used to justify your plan employs election results from 1979 and 1980 only. It is my estimation that in determining the best plan for Congressional districts—districts that will be in place for the next ten years—election results from the previous ten years should be taken into account. Of course, more recent elections may be given more weight, but not to the total exclusion of other election data. From my point of view, the 1980 election results are not entirely indicative of the state of partisan politics in New Jersey. There is no doubt that the Democratic party under the leadership of Jim Florio, our gubernatorial candidate, will con-

tinue to enjoy great success amongst the voters of New Jersey. Our representatives in Congress should, as closely as possible, parallel the sentiments of New Jersey voters.

It is in fact interesting that you make use of past election data in defining the expected partisan makeup of your plan. As I'm sure you are aware, others who have made suggestions as to the improvements of political fairness in the apportionment process, tend to shun the use of such political information, perhaps exclude it altogether. Nonetheless, since you have reviewed past election data you must surely expect all others involved in the process to do likewise. Given the process by which the Legislature decides upon a plan how can you expect members of the Legislature to ignore election data which would perhaps lead to other Congressional district configurations more beneficial to party members? You in essence are asking Democrats to subjugate their interests and in effect ignore political election results in order to accommodate your opinions on the "ideal" apportionment plan.

Congressional redistricting in New Jersey must also be viewed from the more broad-based national perspective. The Republican party is only 27 votes short of absolute control of Congress. With a shift of population and consequently Congressional seats from the traditionally Democratic urban industrial states to the more Republican dominated sun-belt states the redistricting process is viewed by Republicans as an opportunity to close that 27 vote margin, or perhaps even overcome it entirely. Toward this end the Republican National Committee (RNC) has undertaken a widely publicized and well-financed redistricting program. Their strategy, as the following examples illustrate is to maximize the Republican potential in those states where they control the process and attack the Democrats as politically unfair in those states in which the Democrats are involved.

Indiana is a state where the Republican party holds a majority in both houses of the Legislature as well as

being represented in the Governor's office. A state tailor-made for the RNC strategy, they sent in a team of technical advisors and managed a bill through the Legislature which was later signed into law by the Governor. By packing all the available Democratic population into the three already heavily Democratic districts and dividing the remaining Democratic population amongst several otherwise Republican districts they hope to see the Congressional delegation change dramatically. From a current delegation of 6 Democrats and 5 Republicans the new redistricting plan intends to dump 3 Democrats, thus returning a delegation of 3 Democrats and 7 Republicans to Congress next year. (Indiana like New Jersey loses one seat next year.)

Republicans also saw a great opportunity in Washington State, where they dominate the apportionment process at all levels. Following closely on their tremendous "success" in Indiana, Republicans rammed a redistricting plan through the Legislature in April. The plan intended to change the Congressional delegation from 5 Democrats and 2 Republicans to perhaps only 3 Democrats and 5 Republicans. (Washington gains an additional seat.) Republican Governor Spellman vetoed the plan, however, as too extreme. The next effort will not be made until later this year.

In Colorado the Republicans who control both houses of the Legislature must contend with Democratic Governor Richard Lamm on redistricting. The Republicans have already passed and the Governor has vetoed two plans which are intended to shift the Congressional delegation from the current 3 Democrats and 2 Republicans to 1 Democrat and 5 Republicans. (Colorado gains a seat.) The Republicans have now countered with nearly a half million dollar TV advertising blitz aimed at discrediting Lamm as playing partisan politics—in essence being politically unfair. Without going into great detail over what the Colorado Republicans have in mind you can see that the Democrats are up against heretofore unheard

of tactics in the battleground of Congressional redistricting.

Againt heavy odds, in the person of a popular and powerful President and the fundraising and organizational capability he represents, Democrats are wary of partisan politics. Democrats, even when successful are often on the defensive and appear open to just those media-hyped "fairness" arguments put forth in your work. The fact of the matter is that I feel very strongly that your Congressional redistricting plan is little more than an academic statement of *your* views of the desired outcome. Perhaps unwittingly, you play into Republican strategies quite well. Of course Republican spokesmen will deny any involvement or perhaps interest in your plan. But you can bet that in response to whatever Democrats propose, Republicans will be quick to embrace the "fair" Reock alternative. Political posturing of this nature is expected, but should be taken only for the rhetoric it represents.

Having said all this, I would like to add that in no way do I discourage input such as yours into a very complicated, sometimes unwieldy political process. In fact your expertise has been and I'm sure will continue to be of inordinate value to those of us in New Jersey government. It is a measure with which I take the seriousness of your work that such a lengthy response seems in order.

Once again I thank you for the time and effort you have given the issue of Congressional redistricting in New Jersey.

Sincerely,

/s/ Christopher J. Jackman
CHRISTOPHER J. JACKMAN
Speaker

gm

cc: Honorable Brendan Byrne
Democratic Legislators
Democratic Congressmen

Exhibit C

ADDENDUM TO
A PROPOSAL FOR CONGRESSIONAL DISTRICTS IN NEW JERSEY

Ernest C. Reock, Jr.

Bureau of Government Research
RUTGERS, The State University of New Jersey
February 16, 1982

The original *Proposal for Congressional Districts in New Jersey* was issued on July 31, 1961, using population data from the Bureau of the Census under Public Law 94-171. Since that time, corrected population figures have been issued by the Bureau, increasing the state's population by 665 persons, all of whom have been added to the population of East Orange. A minor shift in population figures also has taken place between Evesham and Medford Townships in Burlington County.

Addition of the 665 persons to East Orange makes it desirable to re-examine the proposed districts, since the Tenth District, in which East Orange is located, was already the largest of the proposed districts. Accordingly, this *Addendum* to the original proposal suggests changes in the Seventh, Eighth, Ninth, Tenth, Eleventh, and Fourteenth Districts to accomodate the increased population. Pages from the original proposal have been corrected and reproduced with the corrections, so that the changes are easily identifiable.

The results of the changes are as follows:

(1) The range of population from the smallest to the largest district has been reduced from 1,710 to 1,556 persons, and the relative range from .325% to .296% (See Table 3)

(2) All modified districts remain formed of contiguous territory.

(3) The mean average degree of compactness remains at 36%, but the poorest degree of compactness is raised from 17% to 20%.[1] (See Table 4)

(4) No municipalities are divided in the modified plan.

(5) The number of county segments is raised from 45 in the original proposal to 46 in the modified districts.

(6) The political orientation of the plan remains substantially unchanged with the modified districts, resulting in an estimated 7-7 split of districts between the parties if the popular vote splits 50-50%. (See Table 5)

(7) The only incumbents placed together in a single district are Representatives Dwyer and Smith.

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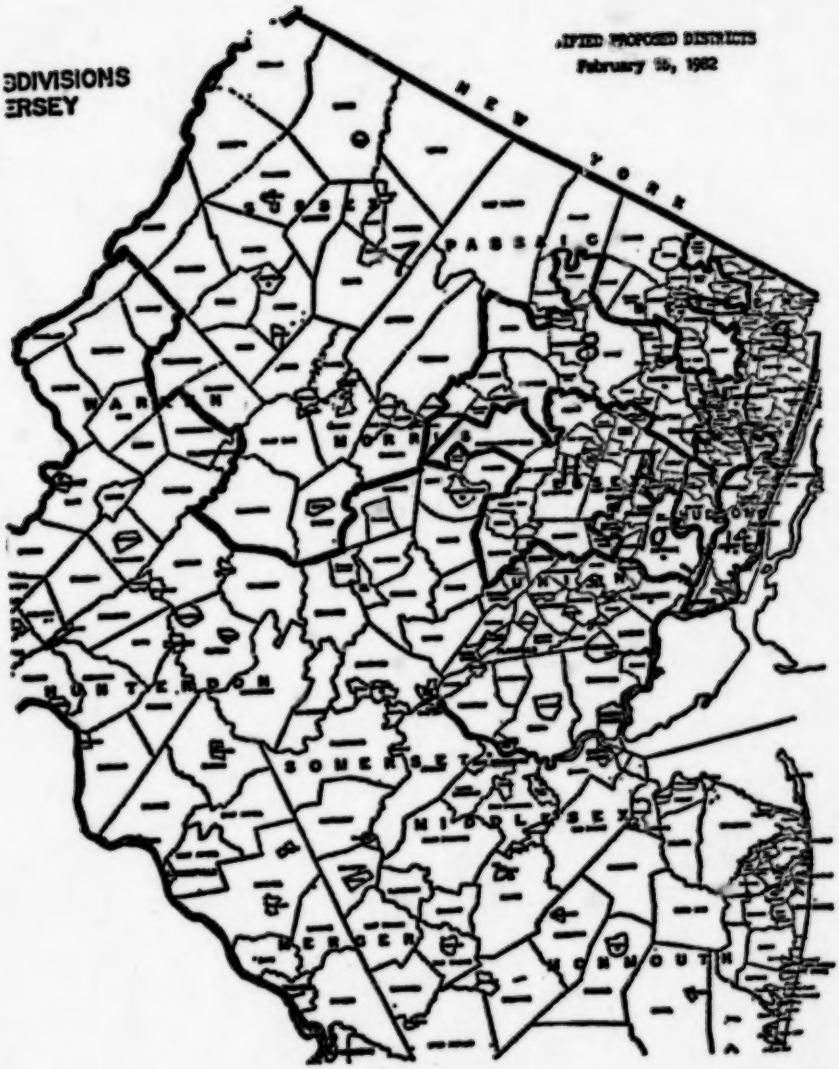
[1] A modified and short-cut method of calculating the degree of compactness is used in this Addendum. Where the original proposal used the area of the district divided by the area of the smallest possible circumscribing circle, the short-cut calculation uses the area of the district divided by the area of a circle drawn around the longest straight-line dimension of the district. Changes in the results are minimal in most cases.



SUBDIVISIONS
JERSEY

ADOPTED PROPOSED DISTRICTS
February 15, 1982

Table 3. Proposed Congressional Districting Plan for 14 Districts Using 1980 Population (Corrected)

Proposed Congressional District	1980 Population	Relative Deviation[1]
1	525,784	~~-.043~~ -.052
2	525,915	~~-.018~~ -.027
3	525,794	~~-.041~~ -.050
4	525,788	~~-.042~~ -.052
5	526,182	~~+.033~~ +.023
6	526,054	~~+.008~~ -.001
7	~~526,802~~ 526,651	~~+.052~~ +.113
8	~~526,337~~ 526,966	~~+.063~~ +.053
9	~~525,726~~ 526,123	~~-.054~~ +.012
10	~~527,008~~ 525,208	~~+.189~~ -.162
11	~~525,398~~ 525,529	~~-.136~~ -.095
12	526,464	~~+.086~~ +.077
13	526,189	~~+.034~~ +.025
14	~~525,776~~ 526,716	~~-.120~~ +.134
Total	~~7,364,150~~ 7,364,823	~~.9254~~ .985%
Average	~~526,011~~ 526,059	~~.0661~~ .063%
Range[2]	~~2,710~~ 1,556	~~.3264~~ .296%

[1] The relative deviation of a district is the percentage by which the population of the district differs from the average district population.

[2] The range of deviations is the difference between the largest and smallest district populations. The range of relative deviations is the absolute range divided by the average district population and expressed as a percentage.

Table 4. Degree of Compactness of Proposed Congressional Districting Plan for 14 Districts; Measured by Area of District as Percentage of Area of ~~Smallest Possible Circumscribing Circle~~ a Circle Drawn Around the Largest Dimension of the District

Proposed Congressional District	Area of District[1]	Area of Smallest Circumscribing Circle[1]	Degree of Compactness
1	656	~~1,344~~ 1,323	~~49%~~ 50%
2	2,102	~~6,487~~ 5,605	~~32%~~ 38%
3	459	~~1,237~~ 1,197	~~37%~~ 38%
4	271	~~736~~ 718	~~37%~~ 38%
5	622	~~2,356~~ 2,213	~~28%~~ 28%
6	567	~~1,760~~ 1,750	~~32%~~ 32%
7	~~1,036~~ 1,032	~~2,098~~ 2,072	~~49%~~ 50%
8	~~202~~ 160	~~471~~ 429	~~34%~~ 37%
9	~~315~~ 117	~~314~~ 332	~~37%~~ 35%
10	37	~~65~~ 86	~~57%~~ 43%
11	~~170~~ 166	~~554~~ 480	~~31%~~ 35%
12	141	423	33%
13	1,118	~~4,681~~ 4,671	24%
14	~~33~~ 40	~~299~~ 137	~~17%~~ 30%
Mean Average[2]			36%

[1] In square miles.

[2] The mean average is the sum of the individual district degrees of compactness, divided by the number of districts.

Table 5. Political Analysis of Proposed Congressional Districts

Districts and Incumbents	Political Orientation of District	Democratic	Republican	Total	Percentage Carried Over
1 Florio (D)	Carry-Over Votes	138,255 (78.6%)	37,563 (21.4%)	175,818	93.7%
	Est. New Votes	7,292 (61.7%)	4,527 (38.3%)	11,819	
	Est. Total Votes	145,547 (77.6%)	42,090 (22.4%)	187,637	
2 Hughes (D)	Carry-Over Votes	117,506 (60.2%)	77,651 (39.8%)	195,157	100.0%
	Est. New Votes	- -	- -	-	
	Est. Total Votes	117,506 (60.2%)	77,651 (39.8%)	195,157	
3 Howard (D)	Carry-Over Votes	71,993 (52.0%)	66,564 (48.0%)	138,557	68.2%
	Est. New Votes	33,962 (52.5%)	30,727 (47.5%)	64,689	
	Est. Total Votes	105,955 (52.1%)	97,291 (47.9%)	203,246	
4 Smith(R) Dwyer(D)	Carry-Over Votes				
	From C.D. 4	9,745 (38.9%)	15,317 (61.1%)	25,062	12.8%
	From C.D.15	58,446 (53.5%)	50,820 (46.5%)	109,266	55.6%
	Est. New Votes	31,789 (51.1%)	30,420 (48.9%)	62,209	
	Est. Total Votes	99,980 (50.9%)	96,557 (49.1%)	196,537	
5 Fenwick (R)	Carry-Over Votes	24,433 (22.7%)	83,080 (77.3%)	107,513	54.2%
	Est. New Votes	55,524 (61.0%)	35,499 (39.0%)	91,023	
	Est. Total Votes	79,957 (40.3%)	118,579 (59.7%)	198,536	
6 Forsythe (R)	Carry-Over Votes	68,377 (43.2%)	89,588 (56.7%)	157,965	78.9%
	Est. New Votes	19,885 (47.1%)	22,333 (52.9%)	42,218	
	Est. Total Votes	88,262 (44.1%)	111,921 (55.9%)	200,183	
7 Roukema (R)	Carry-Over Votes	46,010 (43.9%)	58,710 (56.1%)	104,720	49.4%
	Est. New Votes	41,848 (38.9%)	65,730 (61.1%)	107,578	
	Est. Total Votes	87,858 (41.4%)	124,440 (58.6%)	212,306	
8 Roe (D)	Carry-Over Votes	86,705 (69.2%)	38,644 (30.8%)	125,349	74.9%
	Est. New Votes	16,664 (39.6%)	25,417 (60.4%)	42,081	
	Est. Total Votes	103,369 (61.4%)	64,061 (38.2%)	167,430	
9 Hollenbeck (R)	Carry-Over Votes	48,660 (37.1%)	82,470 (62.9%)	131,130	55.8%
	Est. New Votes	49,705 (47.9%)	54,064 (52.1%)	103,769	
	Est. Total Votes	98,373 (41.9%)	136,534 (58.1%)	234,907	
10 Rodino (D)	Carry-Over Votes	73,923 (87.7%)	10,360 (12.3%)	84,283	75.1%
	Est. New Votes	17,739 (63.4%)	10,240 (36.6%)	27,979	
	Est. Total Votes	91,661 (81.6%)	20,600 (18.4%)	112,261	
11 Minish (D)	Carry-Over Votes	74,848 (62.7%)	44,606 (37.3%)	119,454	65.6%
	Est. New Votes	38,926 (40.8%)	56,480 (59.2%)	95,406	
	Est. Total Votes	113,774 (53.0%)	101,086 (47.0%)	214,860	
12 Rinaldo (R)	Carry-Over Votes	36,543 (21.3%)	134,889 (78.7%)	171,432	84.1%
	Est. New Votes	13,578 (41.8%)	18,905 (58.2%)	32,483	
	Est. Total Votes	50,121 (24.6%)	153,794 (75.4%)	203,915	
13 Courter (R)	Carry-Over Votes	23,721 (29.1%)	57,777 (70.9%)	81,498	42.8%
	Est. New Votes	64,679 (59.5%)	44,025 (40.5%)	108,704	
	Est. Total Votes	88,400 (46.5%)	101,802 (53.5%)	190,202	
14 Guarini (D)	Carry-Over Votes	90,108 (67.0%)	39,409 (33.0%)	129,517	72.9%
	Est. New Votes	31,471 (70.7%)	13,042 (29.3%)	44,513	
	Est. Total Votes	121,579 (68.0%)	52,451 (32.0%)	174,030	
TOTAL	Carry-Over Votes	959,480	887,456	1,846,936	68.9%
	Est. New Votes	422,063	411,409	834,471	
	Est. Total Votes	1,382,543(51.6%)	1,298,865(48.4%)	2,681,408	

Table 5.

Districts and Incumbents	Political Orientation of District				Percentage Carried Over
		Democratic	Republican	Total	
7 Roukema (R)	Carry-Over Votes	45,340 (44.7%)	56,132 (55.3%)	101,472	48.0%
	Est. New Votes	42,976 (39.2%)	66,787 (60.8%)	109,763	
	Est. Total Votes	88,316 (41.8%)	122,919 (58.2%)	211,235	
8 Roe (D)	Carry-Over Votes	86,905 (69.2%)	38,644 (30.8%)	125,549	74.5%
	Est. New Votes	16,873 (39.2%)	26,210 (60.8%)	43,083	
	Est. Total Votes	103,778 (61.5%)	64,854 (38.5%)	168,632	
9 Hollenbeck (R)	Carry-Over Votes	51,611 (38.1%)	83,964 (61.9%)	135,575	57.8%
	Est. New Votes	46,793 (47.2%)	52,315 (52.8%)	99,108	
	Est. Total Votes	98,404 (41.9%)	136,279 (58.1%)	234,683	
10 Rodino (D)	Carry-Over Votes	72,797 (86.7%)	11,194 (13.3%)	83,991	74.6%
	Est. New Votes	18,115 (63.4%)	10,440 (36.6%)	28,555	
	Est. Total Votes	90,912 (80.8%)	21,634 (19.2%)	112,546	
11 Minish (D)	Carry-Over Votes	77,164 (62.1%)	47,020 (37.9%)	124,184	58.4%
	Est. New Votes	35,961 (40.6%)	52,522 (59.4%)	88,483	
	Est. Total Votes	113,125 (53.2%)	99,542 (46.8%)	212,667	
14 Guarini (D)	Carry-Over Votes	80,108 (67.0%)	39,409 (33.0%)	119,517	71.9%
	Est. New Votes	31,782 (68.0%)	14,932 (32.0%)	46,714	
	Est. Total Votes	111,890 (67.3%)	54,341 (32.7%)	166,231	
TOTAL	Carry-Over Votes	962,944	889,612	1,852,556	69.1%
	Est. New Votes	419,209	409,642	828,851	
	Est. Total Votes	1,382,153 (51.5%)	1,299,254 (48.5%)	2,681,407	

Proposed District 6

Burlington County		
Beverly City	2,919	
Burlington City	10,246	
Burlington Township	11,527	
Cinnaminson Township	16,072	
Delanco Township	3,730	
Delran Township	14,811	
Eastampton Township	3,814	
Edgewater Park Township	9,273	
Evesham Township	~~21,659~~ 21,568	
Hainesport Township	3,236	
Lumberton Township	5,236	
Maple Shade Township	20,525	
Medford Township	~~17,471~~ 17,622	
Medford Lakes Borough	4,958	
Moorestown Township	15,596	
Mount Holly Township	10,818	
Mount Laurel Township	17,614	
New Hanover Township	14,258	
Palmyra Borough	7,085	
Pemberton Borough	1,198	
Pemberton Township	29,720	
Riverside Township	7,941	
Riverton Borough	3,068	
Shamong Township	4,537	
Southampton Township	8,808	
Tabernacle Township	6,236	
Westampton Township	3,383	
Willingboro Township	39,912	
	315,651	315,651
Camden County		
Audubon Park Borough	1,274	
Cherry Hill Township	68,785	
Collingswood Borough	15,838	
Haddon Township	15,875	
Haddonfield Borough	12,337	
Lawnside Borough	3,042	
Magnolia Borough	4,881	
Merchantville Borough	3,972	
Oaklyn Borough	4,223	
Pennsauken Township	33,775	
Tavistock Borough	9	
Voorhees Township	12,919	
Woodlynne Borough	2,578	
	179,508	179,508
Ocean County		
Lakehurst Borough	2,908	
Manchester Township	27,987	
	30,895	30,895
		526,054

Proposed District 7

Bergen County		
Allendale Borough	5,901	
Fair Lawn Borough	32,229	
Franklin Lakes Borough	8,769	
Glen Rock Borough	11,497	
Hillsdale Borough	10,495	
~~Ho-ho-kus Borough~~	~~4,139~~	
Mahwah Township	12,127	
Midland Park Borough	7,381	
Oakland Borough	13,443	
Paramus Borough	26,474	
Ramsey Borough	12,899	
Ridgewood Village	25,208	+Rochelle Park 5,603
Saddle River Borough	2,763	
~~Upper Saddle River Borough~~	~~7,958~~	
Waldwick Borough	10,802	
Woodcliff Lake Borough	3,644	
Wyckoff Township	15,500	
	~~213,319~~	~~213,219~~ 206,735
Morris County		
Butler Borough	7,616	
Chester Borough	1,433	
Chester Township	5,198	
Dover Town	14,681	
Jefferson Township	16,413	
Mine Hill Township	3,325	
Mount Arlington Borough	4,251	
Mount Olive Township	18,748	
Netcong Borough	3,557	
Randolph Township	17,828	
Rockaway Township	19,850	+Rockaway Borough 6,852
Roxbury Township	18,878	
Victory Gardens Borough	1,043	
Washington Township	11,402	
Wharton Borough	5,485	
	~~149,708~~	~~149,308~~ 156,560
Passaic County		
Bloomingdale Borough	7,867	
Ringwood Borough	12,625	
West Milford Township	22,750	
	43,242	43,242
Sussex County	116,119	116,119
Warren County		
Allamuchy Township	2,560	
Frelinghuysen Township	1,435	
	3,995	3,995
		~~536,383~~ 536,651

Proposed District 8

+ Elmwood Park 18,377

Bergen County		
Garfield City	26,803	
Wallington Borough	10,741	
~~37,544~~		~~37,544~~
		55,921
Morris County		
Boonton Town	8,620	
Boonton Township	3,273	
Denville Township	14,380	
Kinnelon Borough	7,770	
Lincoln Park Borough	8,806	
Montville Township	14,290	
Mountain Lakes Borough	4,153	
Pequannock Township	13,776	
Riverdale Borough	2,530	
~~Roxbury Borough~~	~~6,859~~	
~~84,450~~		~~84,450~~
		77,598
Passaic County		
Clifton City	74,388	
Haledon Borough	6,607	
Hawthorne Borough	18,200	
~~Little Falls Township~~	~~11,496~~	
North Haledon Borough	8,177	
Passaic City	52,463	
Paterson City	137,970	
Pompton Lakes Borough	10,660	
Prospect Park Borough	5,142	
Totowa Borough	11,448	
Wanaque Borough	10,025	
Wayne Township	46,474	
West Paterson Borough	11,293	397,847
~~404,343~~		~~404,343~~
392,847		~~526,987~~
		526,346

Proposed District 9

Bergen County

Alpine Borough	1,549
Bergenfield Borough	25,568
Bogota Borough	8,344
Carlstadt Borough	6,166
Closter Borough	8,164
Cresskill Borough	7,609
Demarest Borough	4,963
Dumont Borough	18,334
East Rutherford Borough	7,849
Edgewater Borough	4,628
~~Elmwood Park Borough~~	~~10,377~~
Emerson Borough	7,793
Englewood City	23,701
Englewood Cliffs Borough	5,698
Fort Lee Borough	32,449
Hackensack City	36,039
Harrington Park Borough	4,532
Hasbrouck Heights Borough	12,166
Haworth Borough	3,509
Leonia Borough	8,027
~~Little Ferry Borough~~	~~9,398~~
Lodi Borough	23,956
Maywood Borough	9,895
Montvale Borough	7,318
Moonachie Borough	2,706
New Milford Borough	16,876
Northvale Borough	5,046
Norwood Borough	4,413
Old Tappan Borough	4,168
Oradell Borough	8,658
Palisades Park Borough	13,732
Park Ridge Borough	8,515
~~Ridgefield Borough~~	~~10,394~~
Ridgefield Park Village	12,738
River Edge Borough	11,111
River Vale Township	9,489
~~Rochelle Park Township~~	~~5,683~~
Rockleigh Borough	192
Rutherford Borough	19,068
Saddle Brook Township	14,084
South Hackensack Township	2,229
Teaneck Township	39,007
Tenafly Borough	13,552
Teterboro Borough	19
Washington Township	9,550
Westwood Borough	10,714
Wood-Ridge Borough	7,929
	~~525,736~~
	526,123

+ Cliffside Park 21,464

+ Fairview 10,519

+ Ho ho kus 4,129

+ Upper Saddle River 7,958

Proposed District 10

Essex County	77,630	
~~East Orange City~~	~~77,025~~	+ Glen Ridge 7,855
Irvington Town	61,493	
Newark City	329,248	
Orange City	31,136	
South Orange Village Township	15,864	
	~~514,766~~	~~514,766~~
	523,286	523,281
Hudson County		
~~Harrison Town~~	~~13,843~~	~~13,843~~
		~~537,109~~
+ East Newark	1,973	1,923
		525,209

Proposed District 11

Bergen County		
Lyndhurst Township	20,326	
North Arlington Borough	16,587	
	36,913	36,913
Essex County		
Belleville Town	35,367	
Bloomfield Town	47,792	
Caldwell Borough	7,624	
Cedar Grove Township	12,600	
Essex Fells Borough	2,363	
Fairfield Township	7,987	
~~Glen Ridge Borough~~	~~7,855~~	
Livingston Township	28,040	
Maplewood Township	22,950	
Millburn Township	19,543	
Montclair Town	38,321	
North Caldwell Borough	5,832	
Nutley Town	28,998	
Roseland Borough	5,330	
Verona Borough	14,166	
West Caldwell Borough	11,407	
West Orange Town	39,510	
	~~325,609~~	~~325,685~~
	317,830	317,830
Hudson County		
~~East Newark Borough~~	~~1,933~~	
Kearny Town	35,735	+ Harrison Town 17,242
~~Secaucus Town~~	~~13,719~~	
	~~51,387~~	~~51,377~~
		47,977
Morris County		
Chatham Borough	8,537	
Chatham Township	8,883	
East Hanover Township	9,319	
Florham Park Borough	9,359	
Madison Borough	15,357	
Parsippany-Troy Hills Township	49,868	
	101,323	101,323
		~~525,200~~
Passaic County + Little Falls	11,496	11,496
		525,539

Proposed District 14

Bergen County		+ Little Ferry 9,399 + Ridgefield 10,284
~~Cliffside Park Borough~~	~~21,464~~	
~~Fairview Borough~~	~~10,519~~	
	~~31,983~~	~~31,983~~ 19,683
	19,683	
Hudson County		
Bayonne City	65,047	
Guttenberg Town	7,340	
Hoboken City	42,460	
Jersey City City	223,532	
North Bergen Township	47,019	+ Secaucus 13,719
Union City City	55,593	
Weehawken Township	13,168	
West New York Town	39,194	
	~~493,353~~	~~493,353~~
	507,072	~~525,336~~
		526,765

Exhibit D

Exhibit E

MODIFIED PROPOSED DISTRICTS
February 16, 1982
NEW YORK
PASSAIC
SUSSEX
MORRIS
ESSEX
HUDSON
UNION
WARREN
HUNTERDON
SOMERSET
MIDDLESEX
MERCER
MONMOUTH
7
8
9
11
10
14

PLAINTIFFS' EXHIBIT NUMBER 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF CRAIG J. EXELBIRT

CRAIG J. EXELBIRT, being duly sworn, deposes and says:

1. I am a Councilman representing the 4th Ward of the City of Elizabeth, New Jersey, and am Chairman of the City Democratic Committee.

2. On or about January 27, 1982, I received the letter which is attached hereto as Exhibit A. This letter is written on official stationery and signed by Assemblyman Raymond J. Lesniak, Democrat of the 21st Assembly District in Union and Middlesex Counties. The letter is addressed to the Democratic council members of the Elizabeth Municipal Council.

/s/ Craig J. Exelbirt
CRAIG J. EXELBIRT

[Notarization Omitted in Printing]

RAYMOND J. LESNIAK
Assemblyman, District 21 (Union-Middlesex)
60 Prince Street
Elizabeth, N.J. 07202

Tel. 201-353-7722

[SEAL]

General Assembly
of New Jersey
Trenton

January 24, 1982

Dear Elizabeth Democratic Councilman,

I am enclosing a copy of the Congressional redistricting plan signed into law last week.

A little background into the development of this plan bears remembering. Initially, Democratic leaders sought to place Elizabeth into a district with Newark. After that proposal was defeated, efforts were made to place Elizabeth with Jersey City, which were also defeated.

A primary concern of mine was to protect the interest of Elizabeth and advance its position as the "focal" point of a congressional district. Of course, other legislators had their own goals which often conflicted with mine. Since our Union County delegation consists of only two Democratic legislators, the other delegations, such as Middlesex, Essex and Hudson, had a distinct advantage. Nevertheless, we were successful in securing a district which places Elizabeth in a dominant position. Also, the final plan gives Union County the advantage of electing *ten* congressional representatives.

I would like to emphasize the importance of the final redistricting plan passed by the legislature. With the Republican party taking aim at obtaining control of the

House of Representatives, every seat takes on an added significance. If the Republican party were to secure control of the House of Representatives and the Senate, with help from their vast resources from big business and special interests, the current policies of hugh tax breaks for oil companies and tobacco and sugar conglomerates, astronomical budget deficits and high interest rates, tax-exemptions for schools that practice discrimination and reversing hard won gains over pollution of our air, water and land, will be given a tremendous boost.

In addition to its national implications, the plan also has significant impact upon our state Democratic congressional delegation. It gives the New Jersey Democratic party an opportunity to elect 10 congressional representatives. This would be a major boost to our state, county and local Democratic office holders and candidates. That is why the final plan had the unanimous support of the Democartic state senators and assemblymen, Governor Byrne, the entire Democratic congressional delegation and the Democratic state chairman.

Because of the national, state, county and local benefits inuring to the Democratic party and its officeholders and candidates, and the benefits derived by Elizabeth and Union County, any Democrat who would oppose this plan would be doing so for selfish, personal, political reasons. It would be a statewide and national disgrace for any Democrat to join with the Republican party to help them achieve their goals.

I have been informed that you have been asked to help the Republican party in its efforts to overturn the redistricting plan, jeopardize our Democratic congressional delegation (which is considered one of the strongest in the nation with many senior members in key committee positions) and advance the goals of the Republican administration. I know that your respect for the Democratic party and your position as a responsible Democratic

leader ensure that you would not even consider such a proposal.

If you have any questions about the redistricting plan, please call me.

Sincerely,

/s/ Raymond J. Lesniak
RAYMOND J. LESNIAK

PLAINTIFFS' EXHIBIT NUMBER 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF RICHARD ZIMMER

RICHARD ZIMMER, being duly sworn, deposes and says:

1. I am a member of the New Jersey General Assembly, representing the 23rd District, and am an attorney-at-law.

2. During the discussion on the bill which became P.L. 1982, c.1, I asked a number of questions of Assemblyman Byron Baer, the bill's sponsor, on the Assembly floor.

3. I was aware of the fact that alternative redistricting plans were available to the Legislature at the time of the debate on P.L. 1982, c.1, and Assemblyman Baer acknowledged his awareness of them at that time.

4. During my questioning of Assemblyman Baer, I asked how he had drawn the district lines in his plan. He refused to respond.

5. I also asked him how his bill met the requirement of equal population among the various districts. He replied, in substance, that you can't have perfect equality and that therefore it is necessary to balance population equality against other criteria.

6. After I concluded my remarks, Speaker *pro tem* Christopher Jackman rose and addressed himself to me in particular and the freshman legislators in general. He stated, in substance, that although he sympathized with our desire to speak because it was the first time we had had that opportunity, he did not know what we

were talking for because the Democrats had the votes to pass Assemblyman Baer's bill. He added that it was getting late, that there were going to be a lot of festivities that night, and that he did not think that we wanted to attend them "looking like a rag-picker." He further stated that when the Republicans had a majority they had drawn the redistricting maps the way they wanted them drawn, and that now the Democrats were just doing the same thing that the Republicans had done.

/s/ Richard Zimmer
RICHARD ZIMMER

[Notarization Omitted in Printing]

PLAINTIFFS' EXHIBIT NUMBER 5

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[Caption Omitted in Printing]

AFFIDAVIT OF LARRY WEITZNER

LARRY WEITZNER, being duly sworn, deposes and says:

1. I am a Research Assistant to the Assembly Minority. Attached hereto as Exhibit A are maps of the following congressional redistricting plans that were available for consideration by the Legislature of the State of New Jersey at the time of the enactment of P.L. 1982, c.1:

	Sponsor	Bill No.
a.	Kavanaugh Parker	A-3776 S-3525
b.	DiFrancesco	S. 3547
c.	Hardwicke	A-3573
d.	Gagliano Bennett	A-3794 S-3549

	Sponsor	Bill No.
e.	Hagedorn Kern	S-3328 A-3646
f.	Hagedorn Kern	S-3538 A-3767
g.	Gagliano	A-614
h.	Kavanaugh	A-615
i.	Hardwicke	A-3817

2. I have also attached as Exhibit B copies of the official roll call votes recorded in the State Senate on the following bills:

S-3525	December 17, 1981
S-3547	January 7, 1982
S-3548	January 7, 1982
S-3549	January 7, 1982
S-3549	January 11, 1982

3. S-3549 was considered by the Senate twice. On January 7, 1982, the bill received 14 affirmative and 9 negative votes, but did not receive the absolute majority of 21 votes necessary for enactment. When it was reconsidered on January 11, 1982, it was defeated by a vote of 18 to 11.

/s/ Larry Weitzner
LARRY WEITZNER

[Notarization Omitted in Printing]

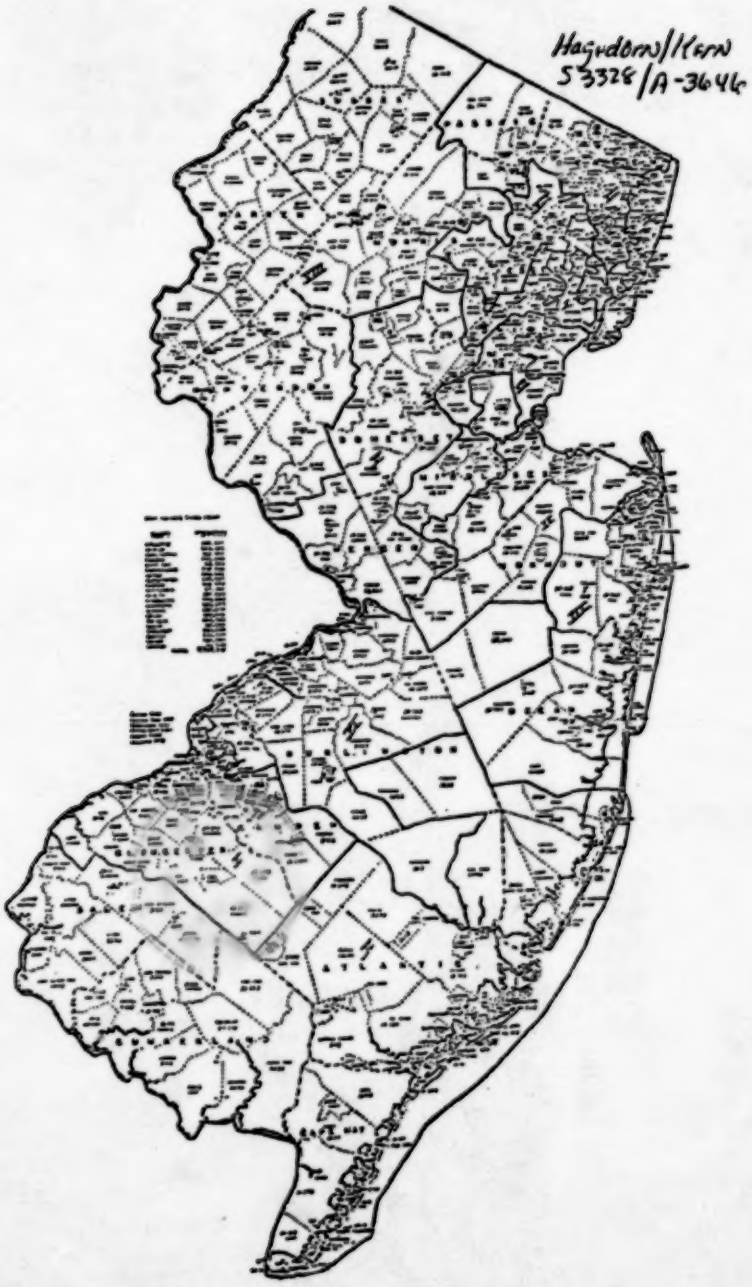
Exhibit A

Kavanaugh / Parker
A 3776 / S3525

DiFrancesco
S-3547
ATLANTIC

A 3573" Hardwick

Cafiero/Bennett
A-3794/S-3549

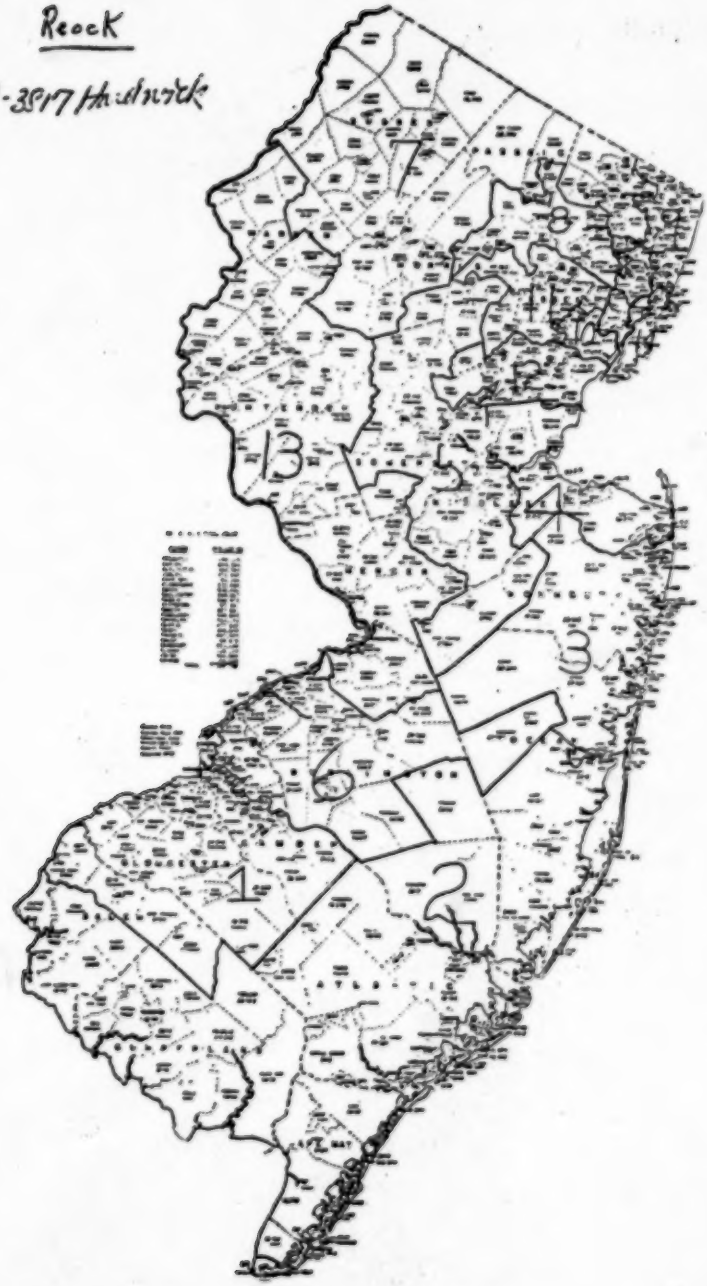

Hagedorn/Horn
53328/A-3646

Hagedorn/Kerns
53538 / A-3767

A-614

Reock

A-3817 Hardwick



Title Kavanagh

Exhibit B

NEW JERSEY SENATE

1981 SESSION

ROLL CALL 16

1981 LEGISLATURE

YEA	N-V	NAY
Bodell		
Cafiero		
Caufield		
DiFrancesco		
Dodd		
Dorsey		
Dumont		
Ewing		
Feldman		
Foran		
Gagliano		
Goldieri		
Graves		
Gregorio		
Hagedorn		
Hamilton		
Herbert		
Hirkala		
Kennedy		
Laskin		
Lipman		
Maressa		
Merlino		
Musto		
Orechio		
Parker		
Perskie		
Rodgers		
Russo, A.		
Russo, J.		
Shell		
Skevin		
Vreeland		
Wallwork		
Weiss		
Yates		
Zane		

S 3548 LIE OVER 10-12

YEAS	N-V	NAYS

BILL NUMBER

HOUSE	SENATE	RESO. BILL

DATE:

NEW JERSEY SENATE

1981 SESSION

17

ROLL CALL

1981 LEGISLATURE

YEA	N-V	NAY
_Bedell	●	
●Cafiero		
_Caufield	●	
●DiFrancesco		
●Dodd		
●Dorsey		
_Dumont	●	
_Errichetti	●	
_Ewing	●	

YEA	N-V	NAY
_Feldman	●	
●Foran		
●Gagliano		
_Galdieri		●
_Graves	●	
_Gregorio	●	
●Hagedorn		
_Hamilton	●	
_Herbert		●
_Hirkala		●

YEA	N-V	NAY
_Kennedy	●	
●Laskin		
_Lipman		●
_Maressa		●
_Merlino		●
_Musto	●	
_Orechio		●
●Parker		
_Perskie		●
_Rodgers		●

YEA	N-V	NAY
_Russo, A.	●	
_Russo, J.	●	
_Sheil	●	
_Skevin		●
●Vreeland		
●Wolfwork		
_Weiss		●
_Yates	●	
_Zane		●

S 3547 LIE OVER 11-12

YEAS	N-V	NAYS
●1	1	●1
●2	2	●2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
23	23	23
24	24	24
25	25	25
26	26	26
27	27	27
28	28	28
29	29	29
30	30	30
31	31	31
32	32	32
33	33	33
34	34	34
35	35	35
36	36	36
37	37	37
38	38	38
39	39	39
40	40	40

BILL NUMBER				DATE
HOUSE		RESO.		
SENATE		●BILL		
_1000	_100	_10	1	●JAN 1
_2000	_200	_20	2	_FEB 2
●3000	_300	_30	3	_MAR 3
_4000	_400	●40	4	_APR 4
	●500	_50	5	_MAY 5
_Ex. Sess.	_600	_60	6	_JUN 6
●3rd 1	_700	_70	7	●JUL 7
_Rem.	_800	_80	8	_AUG 8
1 _Ind.	_900	_90	9	_SEP 9
				_OCT 10
				_NOV 11
				_DEC 12

NEW JERSEY SENATE

1981 SESSION

ROLL CALL 13

1981 LEGISLATURE

YEA	N-V	NAY
Bedell		●
●Coffaro		
Caufield		●
●DiFrancesco		
Dodd		●
●Dorsey		
Dumont	●	
Ertkhettie		
Ewing	●	

YEA	N-V	NAY
Feldman		●
●Foran		
●Gagliano		
Goldieri		●
Graves	●	
Gregorio		●
●Hagedorn		
Hamilton	●	
Herbert		●
Hirkala		●

YEA	N-V	NAY
Kennedy	●	
●Laskin		
Lipman		●
Maressa		●
Merlino		●
Musto	●	
Orechio		●
●Parker		
Perskie		●
Rodgers		●

YEA	N-V	NAY
Russo, A.R.		
Russo, J.		●
●Sheil		
Skevin		●
●Vreeland		
●Wallwork		
Weiss	●	
Yates		●
Zane		●

S 3549 LIE OVER 11-18

YEAS N-V NAYS

BILL NUMBER

HOUSE
SENATE
RESO.
BILL

DATE:

NEW JERSEY SENATE 14

1981 SESSION

ROLL CALL

1981 LEGISLATURE

YEA	N-V	NAY
Bedell	●	
●Cafiero		
Caufield	●	
●DiFrancesco		
●Dodd		
●Dorsey		
Dumont	●	
Errichetti	●	
Ewing	●	

YEA	N-V	NAY
●Feldman		
●Foran		
●Gagliano		
Goldieri	●	
●Graves		
Gregorio	●	
●Hagedorn		
Hamilton	●	
Herbert	●	
Hirkala		●

YEA	N-V	NAY
Kennedy	●	
●Laskin		
Lipman		●
●Maressa		
Merlino		●
Musto	●	
Orechio		●
●Parker		
Perskie		●
Rodgers		●

YEA	N-V	NAY
Russo, A.	●	
Russo, J.		●
Sheil	●	
Skevin		●
●Vreeland		
●Wallwork		
Weiss	●	
Yates	●	
Zane		●

S 3549 LIE OVER 14-9

YEAS	N-V	NAYS

BILL NUMBER

HOUSE		RESO. BILL	
Ex. Ses.			
3rd R			

DATE:

1981 SESSION

ROLL CALL 15

1981 LEGISLATURE

YEA	N-V	NAY
Bedell	•	
Cafiero	•	
Caufield		•
DiFrancesco		
Dodd		•
Dorsey	•	
Dumont	•	
Ervichelli	•	
Ewing	•	
Feldman		
Feron	•	
Gagliano	•	
Goldberl		
Graves		
Gregorio		
Hagedorff		
Hamilton	•	
Herbert		
Hirkala		
Kennedy	•	
Leslin	•	
Lipman		•
Maressa		
Merlino	•	
Musto	•	
Orechio		
Parker	•	
Perskie		
Rodgers		•
Russo, A.		
Russo, J.		
Shell	•	
Skevin		
Vreeland	•	
Wallwork	•	
Weiss		
Yates		
Zane		

LOST S 3525 15-4

YEAS N-V NAYS

BILL NUMBER

HOUSE
SENATE
RESO.
BILL

DATE:

DEFENDANTS' EXHIBIT NUMBER 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

STATEMENT OF ALAN J. KARCHER

ALAN J. KARCHER, makes the following statement:

1. I am the Speaker of the New Jersey Assembly and have held that position since January 12, 1982. On that date the 200th Legislature of the State of New Jersey commenced. I make this statement in support of a motion to dismiss two complaints filed in United States District Court challenging the constitutionality of P.L. 1982, c.1 (The New Jersey State Congressional Redistricting Law).

2. I have served as an Assemblyman in the New Jersey State Legislature since 1974. During the course of my tenure I have held various positions of responsibility in that chamber including the position of majority leader while the 199th Legislature was in session. My interest in state and congressional redistricting dates to at least the fall of 1980 when, because of my position, I was asked to attend a reapportionment seminar sponsored by the National Council of State Legislatures in Salt Lake City, Utah. I attended that seminar in December of 1980.

3. During the course of that seminar, which was attended by legislators from many other states and by experts in the field of redistricting, we discussed the various cases in the United States Supreme Court and in other federal and state courts dealing with congressional and state reapportionment issues. We also discussed various guiding principles which are applicable to redistricting since the Supreme Court decided *Reynolds* v. *Sims*, 377 U.S. 533 (1964), and *Wesberry* v. *Sanders*, 376

U.S. 1 (1964). In discussion at the seminar and in my subsequent activities in the reapportionment area I sought to build various constituencies around the following principles:

(a) Equality of population in the various districts;

(b) Sensitivity to the unnecessary fragmentation and dilution of minority voting rights in districts having significant minority populations and communities of interest;

(c) The preservation of cores of preexisting districts where practicable;

(d) The preservation of municipal boundary lines in New Jersey.

Of course, as the majority leader of the Democratic members of the Assembly I was interested that both congressional and legislative districts of incumbent Democrats be preserved.

4. After attendance at this seminar in early 1981, I became actively involved in the redistricting process of the State of New Jersey serving on the New Jersey Reapportionment Commission. That Commission which is composed of five members from the Democratic Party and five members of the Republican Party seeks to redraw district lines based upon changes in population occurring in legislative districts during the past ten (10) year period. During the course of my efforts on this Commission, I sought to implement the principles which I discussed above and attempted through conversations to build a consensus for State reapportionment based upon these principles.

5. I became actively involved as a legislator in the redistricting process respecting congressional reapportionment in the fall of 1981 after the New Jersey gubernatorial election. In my position as majority leader for the

Assembly in the 199th Legislature, it was my responsibility to build a consensus for a redistricting plan which would satisfy the constitutional goals of equal representation in the various congressional districts to be drawn, and at the same time to insure that significant racial minorities with communities of interest were not unnecessarily fragmented in the process. Within those constitutional constraints, I also sought to build a consensus for passage of legislation which recognized important, though non-constitutional, legislative concerns such as preserving core constituencies; and, preventing fragmentation of municipalities within the State of New Jersey. I, of course, as a politician was concerned that incumbent congressmens' constituencies be protected where possible.

6. In the process of consensus building in the Legislature and elsewhere, I met with various individuals including incumbent congressmen, various members of the State Legislature, representatives of the executive branch, including the Governor, and members of the various communities within the State, including mayors of various municipalities.

7. As I indicated, during the period between November 1981 and January 19, 1982, the date S-711 was passed by the Legislature and signed into law, I had numerous meetings in an effort to build a constituency for a constitutionally acceptable plan. Meetings which stand out in my mind and which reflect discussion by various Democratic members of the Legislature and others on the subject of congressional redistricting are set forth below.

8. One such meeting occurred in Mt. Laurel, New Jersey approximately two weeks after the gubernatorial election in New Jersey. This November 1981 meeting included various congressional and state legislative representatives as well as representatives from the Governor's office. During the course of conversations at that meet-

ing, the concept of equality of population within the districts was considered as a primary factor in redistricting. During the course of that meeting, I advised several of the attendees that it was important that numerical equality be considered since it would be a useless exercise if the Legislature enacted a redistricting law which could not withstand judicial scrutiny. Other discussions during that Mt. Laurel meeting concerned the Newark based congressional district. Many of the attendees at this meeting were concerned lest any redistricting plan dilute the minority strength of the then Tenth Congressional District. Other concerns which were discussed during the course of that meeting involved preservation of municipal boundary lines, various interests of incumbent congressmen, both Republican and Democratic.

9. At least one other meeting occurred about that time involving the same subject. That meeting which took place in November of 1981 at the Nassau Inn in Princeton, New Jersey involved representatives of the leadership in both the Assembly and Senate as well as representatives of the Governor.

10. In mid-December of 1981 both the Senate and the Assembly passed two different redistricting plans which were forwarded to the Governor. The first such plan sponsored by Senator Graves (S-3518) the ("Graves Plan") contained within it a Newark based district which was identical to the present Tenth Congressional District existing by virtue of the passage of the New Jersey Congressional Redistricting Law. The second plan was introduced by Senator Yates (S-3527).

11. In early January 1982 there was a meeting held with many congressional Democratic incumbents, many of the majority leadership of the 199th Legislature, the Governor and other representatives of the executive branch, and a number of mayors of large cities in the State of New Jersey. One of those in attendance was Mayor Gibson of Newark. Mayor Gibson during the

course of this meeting expressed concern that the "Bergen Plan" would join several suburban communities in Union with the City of Newark, and observed that there were little shared community interests between these entities. I recall that Congressman Peter W. Rodino, Jr. also expressed those concerns at the meeting. Again, I wish to stress that the expressed concern that minority voting rights not be diluted and communities of interest be preserved was discussed in the context of achieving population equality within the various congressional districts as well as considering the various non-constitutional, though legislatively desirable, goals which I have previously discussed. Protection of incumbent congressman was also a discussion topic at that meeting.

12. It was evident that in order to build legislative consensus for the passage of a constitutionally sound redistricting plan, the concerns of the State representatives of Bergen County had to be balanced against the equally important concerns of the Newark and Essex based legislators. At the start of the 200th Legislature in which I was elected Speaker, a consensus began to form around a compromise; that is, S-711 introduced by Senator Feldman and a companion bill introduced in the Assembly by Assemblyman Byron M. Baer. Those bills preserve the Tenth Congressional District as drawn in the Graves Plan, and yet make certain alterations in other district lines so as to insure that Bergen County has one intact congressional district within its boundaries —the Ninth.

13. After introduction of both bills in the appropriate legislative chambers, S-711 was passed by the Senate and, by motion, was substituted for an A-605 on the floor of the Assembly. Thereafter, it was enacted by the Legislature and forwarded to the Governor for signature. I know that the Governor signed this legislation on January 19, 1982 and the bill became law as P.L. 1982 c.1.

14. I believe that the congressional redistricting law in New Jersey is constitutional in all respects and that for that reason the Court should dismiss the complaint of the plaintiffs.

15. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Alan J. Karcher
ALAN J. KARCHER

Executed on February 24, 1982

DEFENDANTS' EXHIBIT NUMBER 2

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

STATEMENT OF THE HONORABLE
KENNETH A. GIBSON

KENNETH A. GIBSON, of full age, makes the following statement under penalty of law:

1. I am the Mayor of the City of Newark and have served in that capacity since my initial election in 1970. I have been asked to execute this Affidavit in support of retaining the congressional redistricting plan as enacted by the New Jersey legislature.

2. Newark is New Jersey's largest city. It is also, by far, the city which possesses the largest concentration of black and minority population within the State of New Jersey. If New Jersey is to have a congressional district where minority residents will have the ability to elect a representative of their choice, it can necessarily be only the district which surrounds and includes the City of Newark.

3. Based upon the redistricting established after the 1970 census, Newark was placed in a compact geographic district in which the minority population was well in excess of fifty percent. However, following the 1980 census it became evident that the geographic bounds of the Tenth Congressional District would have to be expanded. There were two basic reasons explained to me. First the population of the "ideal" congressional district had grown by approximately 50,000 people. Second, during the decade of the 1970's, those residing in the existing Tenth District had declined in population, according the Census Count, by approximately 50,000 people. Hence,

the population shortfall for a new district starting from the existing 1970 boundaries was approximately 100,000 people to achieve the required population equality.

4. Many legislative bills, proposals, and proffered alternatives, were suggested during the long legislative process which preceded the enactment of the plan ultimately adopted. Several of them would have, in my opinion, radically altered the racial and ethnic characteristics of the Tenth District and would have seriously diluted the voting strength of blacks in this district. For that reason, I opposed each of these efforts, whether made by Democrats, Republicans or supposed non-partisan groups.

5. A recurring proposal would have included Elizabeth in the reconstituted congressional district. The City of Elizabeth has a very different socio-economic make-up than the City of Newark and does not share a community of interest with it. In a very real sense, Elizabeth is oriented to its south and west pointing towards Union County, rather than Newark. Moreover, the inclusion of Elizabeth in the district would reduce the black constitutency in the district perilously close to 50%, thereby jeopardizing any reasonable probability of permitting its black residents to elect a representative of their choice.

6. Other proposed redistricting plans suggested additions to the Tenth District including non-contiguous Union County suburbs such as Union and Springfield or, as proposed in a bill introduced by Walter J. Kavanaugh on December 17, 1981 (S.——), the inclusion of the City of Bayonne across Newark Bay in Hudson County within the district. Both I and the Essex County legislators with whom I worked strenuously fought and lobbied against any efforts to dilute the racial composition of the Tenth District or to permit the District to add far away areas which had no previous long term community of interest with the City of Newark which was to serve as the hub of the District.

7. Sometime in December 1981 a redistricting proposal identified as S-3518, commonly called the "Graves Plan" was put forth which, although differing in other respects with the eventual redistricting law, contained the identical boundaries ultimately selected for the Tenth District. The "Graves Plan" adds the municipalities of Irvington, South Orange, and Hillside, all of which are contiguous to Newark, to the pre-existing boundaries of the District, preserves a community of interest within the Tenth District and yields a black population percentage approaching 55%.

B. On or about December 14, 1981, I drafted and forwarded to Wynona M. Lipman, the state senator whose district lies exclusively in Newark and who is currently the only black serving in the State Senate, a letter urging her to support the Graves plan insofar as it concerned the configuration of the Tenth District. A copy of that letter is attached to this Affidavit and it recites the concerns I had then and the conclusion that I reached that the boundaries for the Tenth District shown in the Graves Plan (and ultimately incorporated in the plan as enacted) was the only equitable redistricting plan which would ensure the franchise of our constitutents in Newark. I have been informed that my letter to Senator Lipman was widely circulated throughout the Legislature.

9. I, and others on my behalf, lobbied extensively and arduously in favor of this proposal which would assure a reasonable probability that a person chosen by minority voters would be elected in the Tenth District. I am as convinced today as I was in January when I urged adoption of the plan as essentially enacted that one of its fundamental strengths was its fairness to minority interests in the Essex County area to assure them a reasonable likelihood of achieving a place in the New Jersey Congressional delegation. Because of that, I concluded that it was the only plan which could be supported by me at that time and I took every step I could as a community leader to urge its approval.

10. As a Democratic leader, I also urged the creation of other congressional districts which would not jeopardize the status of Democratic incumbents. That activity was, however, always suborinated in my mind to my primary goal of protecting and maintaining the Tenth District as a seat which would be chosen by minority voters.

11. I would request that this Court affirm the determination of the New Jersey legislators who sensitively and forthrightly resolved the question of maintaining a district for minority representation in this state by the adoption of S-711 or P.L.1982 c.1.

12. I certify under penalty of perjury that the foregoing is true and correct.

/s/ Kenneth A. Gibson
KENNETH A. GIBSON

Executed on February 24, 1982.

Exhibit A

[SEAL]

KENNETH A. GIBSON
Mayor
Newark, New Jersey
07102

December 14, 1981

Hon. Wynona M. Lipman
Senator
50 Park Place, Suite 938
Newark, New Jersey 07102

Dear Senator Lipman:

I urgently request that you vote affirmatively to adopt the redistricting plan in S-3518 as proposed by Senator Graves. That plan would create 14 Congressional Districts in New Jersey, one of which would include Newark, East Orange, Glen Ridge, Harrison, Irvington, South Orange and Hillside.

After extensive analysis of this issue and numerous discussions with those affected by the redistricting, I have concluded that this is the only plan which can be supported at this time. In-depth reviews of various proposals by our State Senate delegation, our Congressional delegation and the voters in this area have convinced me that S-3518 represents the only equitable redistricting plan which would ensure the franchise rights of our constitutents.

Please vote to support S-3518 today as the redistricting plan for New Jersey. It is one of the most important votes you can cast.

Thank you for your continued support and cooperation.

Sincerly,

Kenneth A. Gibson

KAG:pa

DEFENDANTS' EXHIBIT NUMBER 3

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF THE HONORABLE
THOMAS H. COOKE, JR.

THOMAS H. COOKE, JR., of full age, being duly sworn upon his oath deposes and says:

1. I am the Mayor of the City of East Orange and have served in that capacity since my initial election in 1977. I have been asked to execute this affidavit in support of retaining the Congressional redistricting plan as enacted by the New Jersey Legislature. I believe that the retention of the Tenth District with a minority population in excess of 50 percent avoids damaging dilution to the efforts of minorities to be assured of effective representation in the Congressional delegation.

2. Other than the City of Newark, the City of East Orange has the largest concentration of black and minority population within the County of Essex. Essex County has the largest minority and black population of any County in the State of New Jersey. During the recent January 1982 Legislative session which led to the enactment of a Congressional redistricting plan, my representatives as well as myself personally and repeatedly lobbied with our Legislators in Trenton, as well as with other members sympathetic to our cause, to assure the greatest likelihood of maintaining a Congressional District in Essex County where minority residents can elect a representative of their choice.

3. I favored and personally supported the retention of the Tenth District with slightly expanded geographic boundaries to accommodate the increased ideal population

district size required by the 1980 Census. The proposal for the Tenth District, as enacted, preserved the community of interest of the minorities within this geographic region while still maintaining the integrity of municipal boundaries.

4. Having become generally aware of other proposed plans, I found that the plan, as enacted, was eminently satisfactory in avoiding any minimization of the voting strength of racial and ethnic minorities within the Essex County area, which remains the only geographic region within the State where a District can be created with a minority population in excess of 50 percent, coincident with the creation of a district which preserves communities of interest and accommodates municipal boundaries.

5. The redistricting plan as adopted, in my opinion, avoids dilution of minority interest and presents a reasonable probability that a person chosen by minority voters would be elected in the Tenth District. For that reason, I supported what ultimately became P. L. 1982, c. 1. I would earnestly request that the Court affirm the determination of the New Jersey Legislators who sensitively and forthrightly handled the question of minority representation in this State.

/s/ Thomas H. Cooke, Jr.
THOMAS H. COOKE, JR.

[Notarization Omitted in Printing]

DEFENDANTS' EXHIBIT NUMBER 4

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF S. HOWARD WOODSON, JR.

S. HOWARD WOODSON, JR., of full age, being duly sworn upon his oath deposes and says:

1. I am the President of the New Jersey Civil Service Commission and I have been previously elected to the New Jersey General Assembly. In 1964, I culminated my career by being the first elected black Speaker of the New Jersey General Assembly in the 1974-1975 session. I am past Chairman of the New Jersey Black Americans, Inc., affiliated with the State Democratic Party and former President of the New Jersey Conference of the N.A.A.C.P. I am additionally at present a candidate for Mayor of the City of Trenton.

2. It has been brought to my attention that Assemblyman Charles Hardwick, at the 199th Session of the New Jersey Legislature, introduced Assembly Bill 3817 as a proposed congressional redistricting plan.

3. A review of Mr. Hardwick's Bill A-3817 reveals that fourteen municipalities in Burlington County which are included in District 4, the Trenton based congressional district of P.L. 1982, c.1, are not combined with his Trenton based district. One half of the Burlington County municipalities contain significant black populations (10% or more of the total population). The total black population in the fourteen municipalities is 31,076. In the proposed A-3817 these municipalities would have been placed in the 6th Congressional District where the black component of their population would constitute more than half of the total black population in the 6th

District. The total black population of the 6th District would be 9.7% of district's population.

4. As a result of the inclusion of the Burlington municipalities, the Trenton district in P.L. 1982 c.1, has a black population of 17.3%, while the black population of the Trenton district in A-3817 is only 11.9%. The total black population for this district is 91,095 in P.L. 1982, c.1 and 62,666 in A-3817. By combining municipalities with significant black population in one district, P.L. 1982, c.1., significantly enhances the congressional influence of blacks in both counties.

5. In addition it appears that there is little likelihood of any significant increase in the potential influence that blacks might have over the next ten years in the Trenton based district as drawn in A-3817. Most of the black population of that district is in Mercer County. If the black population of 53,058 in those Mercer County municipalities which have been included in both plans is subtracted from A-3817 the remaining black population in predominately rural and white Hunterdon and Warren counties is only 9,608. It should be noted that the largest black population in any municipality in all of Hunterdon and Warren counties is 348. What growth potential there is for black influence in A-3817, therefore, must come from Mercer County. Since the total black component of this district is only 11.9% in 1980 it is doubtful that the growth of the black population in Mercer County could, in ten years, bring the black component up to the 17.3% level established by P.L. 1982, c.1.

6. On the other hand, there is evidence that the black population component of the district in P.L. 1982 c.1, will increase as a percentage of the whole over the next ten years. The total population of the fourteen Burlington County municipalities has decreased by 8% over the last ten years (178,027 to 164,252). But those seven municipalities with a significant (10% or more) black population have grown since 1970 by 7%, from 103,257 to

110,682. Furthermore, the black population of all fourteen municipalities increased 117.5% in the ten years between 1970 and 1980. Regardless of the rate of growth of the black population in Mercer County, therefore, the inclusion of the Burlington County municipalities in P.L. 1982 c.1, increases the probability that black voting strength will rise over the next ten years as compared to the probable effect of A-3817.

7. As a black political activist with what I believe to be many years of experience in minority representation, I am unalterably opposed to A-3817 which combines the City of Trenton as well as Mercer County with predominately rural and white Hunterdon County and Warren County in one congressional district.

8. I have reviewed P.L. 1982 c.1, the present New Jersey Congressional Redistricting Plan, and believe that it is significantly superior to A-3817 respecting the consideration of minority representation. Furthermore, A-3817 in my opinion effectively dilutes minority voting rights and ignores the concept of communities of interest.

9. It has also been brought to my attention that Assemblyman Dean Gallo, at the 199th Session of the New Jersey Legislature, introduced Assembly Bill 3772 as a proposed congressional redistricting plan.

10. A review of Mr. Gallo's Bill A-3772 reveals that it had as one of its proposals the placing of the City of Trenton and the City of Camden in the same congressional district.

11. As a black political activist with what I believe to be many years of experience in minority representation, I am unalterably opposed to the inclusion of the cities of Camden and Trenton in the same congressional district. To do so would severely impact as a detriment to minority representation in central and southern New Jersey.

12. The city of Trenton has a black minority population of 45.4% which comprises 17.3% of the population of its congressional district and the city of Camden has a black population of 53% which comprises 14.6% of the population of its congressional district. These percentages taken individually constitute two strong minority voices and allow for these two groups of minorities to rest their concerns on two Congressmen rather than one Congressman as provided for by A-3772. Although A-3772 joins Camden and Trenton resulting in a larger concentration of minorities (24.2% of the population) in a single district it, nevertheless, on balance works to deminish minority impact on congressional representatives on a statewide basis.

13. I have reviewed P.L. 1982 c.1, the present New Jersey Congressional Redistricting Plan, and believe that it effectively assures minority representation in two congressional districts, District 1 and District 4, and am further of the opinion that the joining of Camden and Trenton as proposed by A-3772 serves to diminish minority representation on the congressional level in central and southern New Jersey.

/s/ S. Howard Woodson, Jr.
S. HOWARD WOODSON, JR.

[Notarization Omitted in Printing]

DEFENDANTS' EXHIBIT NUMBER 5

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

STATEMENT OF JAMES TRUSSELL

JAMES TRUSSELL makes the following statement:

1. I am a demographer serving as a Faculty Associate at the Office of Population Research, Princeton University. I am also an Associate Professor of Economics and Public Affairs at Princeton University and I have been with the University since 1975. I have received degrees from several universities including a M. Phil. (1973) in Economics from Oxford University, and a Ph.D. (1975) in Economics from Princeton University.

2. I am a member of various professional organizations including the Population Association of America, the International Union for the Scientific Study of Population, and the American Statistical Association. I have authored over fifty (50) articles and publications dealing with the study of population generally, many of which concern the measurement of demographic variables. A copy of my Curriculum Vitae is attached as Exhibit 1 to this Affidavit.

3. A portion of my professional work, of late, has centered on evaluation of the 1930 Census program. I was a member of a National Academy of Sciences panel convened to study plans for the 1980 Census. A major part of the panel's work was determining whether the 1980 Census should be adjusted for estimated underenumeration. I was responsible for evaluating the methodology employed by the Census Bureau designed to estimate population undercount and authored that section of the report. The report is enclosed as Exhibit 2 to this Affidavit.

4. Only two methods (demographic and matching) have been proposed for estimating undercounts. These methods have been described and evaluated extensively in the literature including Exhibit 2. Demographic methods require formidable adjustment of raw data and numerous assumptions. The other method, based upon matching of the census records with independently devised population listings, has been employed extensively for measuring completeness of registration of births and deaths in developing countries with varying degrees of success. Each of these methods is described in greater detail below:

A. *Demographic Analysis*

5. Demographic analysis involves the comparison of the expected number of persons with the actual number enumerated. The expected number can be conceived as the number born minus the number who have died. The preliminary estimate then must be adjusted to account for those moving in or out of a geographic area. The expected number minus the actual count equals the net undernumeration estimate, which, in turn, reflects the difference between the gross overcount (due to duplicated records and to erroneous inclusions of persons not supposed to be counted) and the gross undercount. Demographic estimates are generally reliable for the native population in the United States, since one needs estimates for emigration, and not immigration. Estimates for the total population in the United States (natives and foreign-born), however, must rest upon assumptions about both immigration and emigration and therefore are less secure. Even though estimation of net migration for the United States is highly uncertain (since there is no monitoring system to record either emigration or illegal immigration), demographic analysis is thought to have yielded plausible estimates of the underenumeration of the entire population by sex, race, and age in 1970. U.S. Bureau of the Census. 1974. *1970 Census of Population*

and Housing: Evaluation and Research Program. Estimates of Coverage of Population by Sex, Race, and Age: Demographic Analysis. PHC(E)-4. Washington: Government Printing Office attached as Exhibit 3 to this Affidavit. No estimates of migration flows among states or smaller geographic or political units are available, however, so that the method used for obtaining national undercounts cannot be directly applied.

6. This demographic analysis also masks a host of problems. In practice, accurate records of births are available only since 1935; hence, straightforward demographic estimates (based on births, deaths, and estimates of net immigration) can be obtained only for the population under age 35 in 1970 (or under age 45 in 1980). Other procedures have to be used for those over 35 years of age. Medicare enrollments, after adjustment has been made for those legally unable to enroll and those who did not choose to enroll, provide a yardstick by which to measure the completeness of enumeration of those 65 and over. The middle group, aged 35-64 in 1970, poses particular problems since there exists no independent body of records with which to compare the census. The assumptions underlying the final estimates for this age group are, therefore, virtually untestable. The approximation for this group is based on estimates for the female population. The male population is then derived by applying expected "true" sex ratios. These sex ratios represent the estimated ratio of males to females at the census date on the basis of an historical series of virtually constant sex ratios at birth updated by survival rates for each sex calculated from an historical series of life tables and adjusted for net immigration.

7. Estimates of net immigration are also quite unreliable, and changes in assumptions are reflected on a one-for-one basis: if net immigration is assumed to rise by N, the estimated net undercount also rises by N. For example, the Census Bureau has recently concluded that

emigration between 1960 and 1970 previously had been underestimated by .6 million. Thus the revised preferred estimate of the 1970 undercount had to be adjusted downward by .6 million people. The Census Bureau estimates of net immigration also contain no allowance for illegal aliens. This uncertainty did not receive much attention in the 1970 undercount estimate. The situation, however, is quite different in 1980. The preliminary demographic estimate indicates an actual *overcount* in the United States population of four-tenths of one percent (.4%). Already many demographers have suggested that this estimate is so low because the Census Bureau uses too low a net immigration figure. If the net immigration figure is raised to account for a *presumed stock of illegal aliens counted in the census*, then the estimate of the undercount would be consequently raised. For example, in the best study to date, Lancaster and Sheuren have estimated that there were some 3.9 million resident illegal aliens aged 18 to 44 years of age in 1973. If this number is added to net immigration, the demographic estimate of the undercount would change significantly (from —.4 to 1.4%). Lancaster, Clarise and Frederick Scheuren. 1977. *Counting the Uncountable Illegals: Some Initial Statistical Speculations Employing Capture-Recapture Techniques*, presented at the 1977 Annual Meeting of the American Statistical Association attached as Exhibit 4 of this Affidavit.

8. A modified demographic analysis, similar in spirit to the national analysis, has been applied to states. U.S. Bureau of the Census. 1977. *Developmental Estimates of the Coverage of the Population of States in the 1970 Census: Demographic Analysis.* Current Population Reports, Series P-23: Special Studies, No. 65. Washington: Government Printing Office attached as Exhibit 5 to this Affidavit. The major change is necessitated for the estimates of undercounts for those under 35 years of age. By employing information on state of birth obtained from the census and information on births obtained directly

from birth registration, the number of persons who could be expected to list a particular state as a state of birth (the number born minus the number who should have died plus an adjustment for net overseas immigration) was compared with the number who actually reported that state. Differences were assumed to result from omission of persons from the census. However, such an analysis applies only to omission by state of birth, when what is desired is omission by state of residence. The assumptions needed to make this conversion render the estimates quite unreliable.

9. Reasonable alternative assumptions do produce rather different estimates for states. The method therefore must be judged to be technically weak where demographic analysis seeks to measure state rather than national undercounts. Furthermore, even if this modified method were sound for state measurement, it could not be applied to areas smaller than states since there are no available data on county and city of birth, upon which the estimates for age groups 0-34 and 35-64 are based. A further major limitation of any demographic method is that undercount estimates can be obtained for blacks and whites only; no estimates for Hispanics can be made since information on Spanish background is not contained in birth or death certificates.

B. *Matching Techniques*

10. Matching techniques used by the Census Bureau involve comparing a list of people enumerated in the census with a list thought to be more complete. In 1950, in selected sample areas, the Bureau conducted an intensive post-enumeration survey (PES). U.S. Bureau of the Census. 1960. *The Post-Enumeration Survey*: 1950. *An Evaluation Study of the 1950 Censuses of Population and Housing*. Technical Paper, No. 4. Washington: Government Printing Office. A match of the PES with the census indicated that about 1.4 percent of persons were

missed in the census. However, demographic analysis indicated a much higher undercount (3.4 percent). The Census Bureau suggested that "the deficiencies in the PES measurement of coverage error may be in considerable measure related to a segment of the population which would have such a tenuous attachment to a fixed place of residence that they are very difficult to enumerate by conventional census methods, and who for the same reason may be even more difficult to find in a reenumeration check carried out several months later by methods which, through more intensive, are essentially similar to those of the census."

11. For 1960, the Census Bureau therefore took a different approach. The census was matched to a list thought to be nearly complete. It included: (1) persons enumerated in the 1950 census or in the 1950 PES, and (2) persons born, and aliens entering the country, between 1950 and 1960. U.S. Bureau of the Census. 1964. *Evaluation and Research Program of the U.S. Censuses of Population and Housing, 1960: Record Check Studies of Population Coverage.* Series ER60, No. 2. Washington: Government Printing Office. From each of these groups a sample of persons was selected, yielding a working total of 7,187. Definite information about enumeration status could be obtained for only 6,003 (83.5 percent) sample persons. Of these, 1.3 percent were missed by the census. No determination could be made for the other 16.5 percent of the working sample, mostly because a substantial fraction (58 percent of these people could not be located in 1960. Hence, any match estimate is highly uncertain. If it is assumed that the residual 16.5 percent were as likely to have been enumerated as the other 83.5 percent, then the final match estimate would be 1.3 percent. Demographic analysis results in an undercount rate of 2.7 percent, so once again the matching technique produces an estimate only about half as large as the demographic technique.

12. In 1970, the census was matched to the Current Population Survey (CPS), and estimates of underenumeration were obtained. U.S. Bureau of the Census. 1974. *1970 Census of Population and Housing: Evaluation and Research Program. Estimate of Coverage of Population: Census-CPSI Match.* Unpublished study attached as Exhibit 6 to this Affidavit. The match estimates failed to show a higher underenumeration rate for males than for females even though this difference is firmly established by demographic analysis. The reason for the discrepancy is most likely to be the same as that offered after the 1950 effort; those persons who were missed in the census are more likely to be missed in the CPS. Although the match estimates are subject to bias of an unknown degree, it is interesting to examine those factors likely to be associated with the probability of being missed. As one might suspect, those with lower education or lower income have higher estimated undercount rates.

C. *Conclusion*

13. As stated earlier, the undercount in the 1980 Census is likely to be above one percent, once an estimate of the number of illegal aliens is explicitly included in the demographic equation. If the undercount were spread geographically in equal proportions, then any programs that depend only on the distributions of population and not the total size would be unaffected. An obvious example is redistricting, which would be unaffected if there were really two persons located in every place where one was counted. However, all the evidence to date indicates that all places are not undercounted to the same extent, since the undercount rate has been shown to depend on race, sex, age, income, and education.

14. The undercount for New Jersey in the 1980 Census is unknown, and no reliable methodology exists for estimating it. I see no reason to believe, however, that it is below the national average. The distribution of the

undercount in New Jersey is obviously also unknown, and I see no reason to believe that it would be uniformly spread over all municipalities. For these reasons, one cannot make congressional districts of truly equal size if one relies on census counts. Nor is it meaningful to rank one redistricting plan as superior to another when differences in district size are small. In my professional opinion, districts whose enumerated populations differ one from another by less than one percent should be considered to be equal in size. To push for numerical equality beyond this point is an exercise in illusion.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ James Trussell
JAMES TRUSSELL

Executed on: February 25, 1982

Exhibit 1

8/81

JAMES TRUSSELL

CURRENT POSITION

Associate Professor of Economics and Public Affairs; Faculty Associate, Office of Population Research, Princeton University.

PREVIOUS EXPERIENCE

Assistant Professor of Economics and Public Affairs; Faculty Associate, Office of Population Research, Princeton University, September 1978-June 1980.

Assistant Professor of Economics; Faculty Associate, Office of Population Research, Princeton University, September 1975-August 1978.

Research Associate, Office of Population Research; Lecturer, Department of Economics, Princeton University, December 1974-August 1975.

EDUCATION

Princeton University, Princeton, New Jersey; Ph.D. 1974 Economics.

Nuffield College, Oxford University, Oxford, England; B. Phil. 1973 Economics.

Davidson College, Davidson, North Carolina; B.S. *summa cum laude* 1971 Mathematics.

Columbus High School, Columbus, Georgia.

PERSONAL

Born October 17, 1949, Columbus, Georgia.

Social Security #257-86-0530

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21 Prospect Avenue
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HONORS, AWARDS, AND ORGANIZATIONS

Phi Beta Kappa
Marshall Scholar
Watson Fellow
Population Council Fellow
Population Association of America
American Statistical Association
American Public Health Association
International Union for the Scientific Study of Population

PROFESSIONAL ACTIVITIES

Research Panels

National Academy of Sciences, Committee on National Statistics, Panel of the 1980 Census (1978).

National Academy of Sciences, Committee on National Statistics, Panel on Small Area Estimation (1979).

National Academy of Sciences, Committee on Population and Demography, Latin American Panel (1979).

Consulting

National Academy of Sciences, Committee on Population and Demography (1978+).

Emory University Family Planning Program (1977+).

Center for Disease Control, Family Planning Evaluation Division (1977+).

University Administration

Coordinator, Faculty Advising Committee for Major Fellowships (1977+).

Rhodes Scholarship Advisor (1976-1977).

Assistant Director of Graduate Studies, Department of Economics (1976-1977 and 1977-1978).

Policy Committee on Athletics and Physical Education (1978-1979).

Board of Advisors (Graduate Students), Woodrow Wilson School (1978-1979 and 1980-1982).

Committee on Admissions and Financial Aid (1980-1983).

Admissions Committee, Woodrow Wilson School (1978-1979 and 1980-1982).

REFERENCES

Ansley J. Coale, Professor of Economics, Office of Population Research, Princeton University.

Jane A. Menken, Professor of Sociology, Office of Population Research, Princeton University.

Richard E. Quandt, Professor of Economics, Department of Economics, Princeton University.

Joan S. Girgus, Dean of the College, Princeton University.

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"Determinants of the Roots of Lotka's Equation," *Mathematical Biosciences* 36:213-227, 1977.

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EXCERPTS FROM DEPOSITIONS

Deposition of Matthew Feldman

DIRECT EXAMINATION

BY MR. RAYMAR:

* * * *

[62] * * * Q Now, at the time you voted upon S-711, namely January 19, 1982, were you aware of other Congressional redistricting bills deviating less from zero population differences than S-711?

A This was .09. There may have been something as .5, something or other. But you have to take it, you just can't be a single issue individual. That's very important, the zero population. You also had to take in the other considerations.

It's only one, as far as I was concerned, three criteria.

* * * *

[67] Q Did you have any analysis done or do any analysis yourself of a bill introduced by Senator Gagliano known as S-3549?

A We were dealing with—there was a charade at times and good-naturedly votes were given to Gagliano's Bill. Not the 21 votes, but votes, and I had—I was one of those that supported it, and at the next meeting a few of us that supported it withdrew our vote.

Q Why did you consider that a charade?

A Well, you had to be there to appreciate what went on. There was tongue in cheek, a legislator was getting up and making speeches, talking about the Congressional redistricting. At times, especially late at night, it has been a proven history of the New Jersey State Legislature that you relax and the tension isn't there and so there is some degree of quote, unquote, "horseplay."

Q So that S-3549 got tongue-in-cheek treatment on the floor of the State Senate?

A I would say that they were very adamant in voting against—one time I remember the Republican legislators walked out when we were discussing some serious redistricting Bills. We even put a Republican Bill up on the board. It got some Democratic votes.

Q Was that S-3549?

[68] A It could have been. It could have been. I don't know.

Q But you specifically recall S-3549 getting tongue-in-cheek treatment?

A Yeah. I did support it to show I'm acting in good faith. He could have 21 votes, but my light went up early.

Q So you voted for S-3549; correct?

A Then I realized, after giving it some more thought, I didn't want my vote on that Bill because it really destroyed Bergen County.

Q And when you voted on the Bill, were you aware that the maximum deviation from zero was 0.1369 percent?

A I said it was—I didn't realize it was that low. As I said before, there were Bills that could have been lower.

Q I see.

A That's not our only standard.

• • • •

Deposition of Christopher J. Jackman

* * * *

DIRECT EXAMINATION

BY MR. GOLDSTEIN:

* * * *

[35] Q Now, prior to you writing Professor Reock, did you discuss his plan with other members of either the Assembly or the State Senate?

A No, I didn't.

Q You did not?

A No.

Q After you wrote him, did you discuss his plan with any members of the State Assembly or State Senate?

A No, I did not, other than the news—the letter evidently was mentioned in discussion with other Assemblymen and in some cases they felt I was right.

Q When you say the letter was mentioned in some cases, did you send your letter to Dr. Reock to all of your colleagues in the Assembly and the State Senate?

A I believe I did.

* * * *

[52] Q Turning to page four, the second paragraph, in effect, the first full paragraph, "Congressional redistricting in New Jersey must also be viewed from the more broad-based national perspective."

Then, reading the entire paragraph, are these the considerations, Mr. Jackman, that went into your determination as to how to draw a Congressional redistricting plan?

MR. MARINARI: Objection.

MR. WALSH: Objection as to form. It's totally out of context, although—were those the only ones? Were they some?

I have no objection—

Q Were they some of the considerations?
A You're asking me to read that paragraph?
Q Yes.
A I say yes, some of the considerations.
Q Some of the considerations?
A Yes.

• • • •

Deposition of Alan J. Karcher

* * * *

DIRECT EXAMINATION

BY MR. GOLDSTEIN:

* * * *

[25] Q What do you mean by "aspirational"?

A Aspirational, I mean in a sense that that is—not to be tortological about it, but that is what you are to aim at, what you are to aspire to, with the understanding that it is something that you should strive for, but be aware that the model goal, because of the reality of the process, normally can't be reached, and but that should be the beacon after which you, you know—I take that back. Strike "beacon." But it's the goal which you should pursue.

Q And is that goal to be pursued in accordance with B, C and D as you set it forth here?

A I think—

Q Here on Page 2?

A I think B, C and D both supplement and modify A, if you will.

Q What do you mean by "supplement and modify"?

A I thought you would ask that. By supplementary factors within the process that should be observed, but they modify it because of the fact that, and conditioned on the fact that model District D, the ideal district, will remain aspirational, normally, in essence, because of these factors having to also be respected.

[26] Q What do you mean by "these factors have to be respected," as well?

A That if you were going to set up—if you were going to only observe Factor A, that would be one—that would be one thing. But that in the process there should be some recognition, some cognizance, some sensitivity to these other factors.

Q Including what you set forth here in B, C and D on the top of Page 2 of your statement?

A That's correct, yes.

* * * *

JOINT EXHIBIT NO. 4

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF SAMUEL A. ALITO

SAMUEL A. ALITO, being duly sworn, deposes and says:

1. I am the Executive Director of the Office of Legislative Services of the New Jersey Legislature. Before assuming this position in May 19, 1981, I was the Director of the Division of Legislative Information and Research in the Office of Legislative Services since 1963.

2. The Office of Legislative Services is a non-partisan agency of the Legislature, which provides technical assistance to the Legislature and its members in the areas of information, research, bill-drafting, legal issues, budget and fiscal matters as well as conducting post-audits of all State agencies.

3. Neither I nor my office played any role in the enactment of the Congressional redistricting bill signed by Governor Byrne on January 19, 1982 (Laws 1982, c. 1). Upon request, however, we are able to determine the population deviations and other variables of any Congressional redistricting plan.

4. Legislative members of the Republican Party, on behalf of the party plaintiffs, requested that the following information and data be obtained for certain redistricting bills introduced in the Legislature following the official 1980 federal decennial census (hereafter referred to as the 1980 census):

a. The sponsor of the bill;

b. The date the bill was proposed for introduction and its date of introduction;

c. The number of county fragments in the bill;

d. The number of paired incumbents in the bill;

e. The average district population for the bill;

f. The highest district population for the bill;

g. The lowest district population for the bill;

h. The range of population for the bill;

i. The population for each Congressional district in the bill;

j. The absolute population deviation for each Congressional district in the bill;

k. The relative population deviation for each Congressional district in the bill; and

l. The relative overall range for each bill.

5. The definition for each enumerated request listed in paragraph 4 is as follows:

a. "Sponsor" means the first-listed legislator introducing the bill and endorsing his signature thereon.

b. "Date proposed for introduction" means the calendar date on which the bill was presented to the Secretary of the Senate or Clerk of the General Assembly for introduction. The "date of introduction" means the calendar date on which the bill received first reading.

c. "The number of county fragments" is obtained by determining the number of whole counties and parts of counties contained in each Congressional district and then totalling the fragments of all the 14 districts.

d. "The number of paired incumbents" means the number of districts in which two incumbent Congressmen reside.

e. "The average district population" means the sum of the 14 district populations divided by 14.

f. "Highest district population" means the population of the most populous district.

g. "Lowest district population" means the population of the least populous district.

h. "Range of population" means the lowest district population subtracted from the highest district population.

i. "Population for each Congressional district" means the population for each Congressional district according to the 1980 census figures.

j. "Absolute population deviation for each Congressional district" means the difference between the district population and the average district population.

k. "Relative population deviation for each Congressional district" means the absolute population deviation divided by the average district population and expressed as a percent.

l. "Relative overall range" means the range of population divided by the average district population and expressed as a percent.

6. Pursuant to the legislative request in paragraph 4, I directed employees of the Office of Legislative Services to obtain the necessary information and data.

7. Where it was necessary or expedient to perform mathematical calculations a computer was used. The population data are based on the 1980 census.

8. The information and data requested in paragraph 4 are found in the Appendix A, which is attached hereto and made a part hereof.

9. Legislative members of the Republican Party, on behalf of the party plaintiffs, also requested racial population data for those districts which contain the city of

Newark for all the redistricting bills introduced in the Legislature.

10. Pursuant to the legislative request in paragraph 9, I directed employees of the Office of Legislative Services to obtain that data.

11. This data is found in the Appendix B, which is attached hereto and made a part hereof.

12. Legislative members of the Republican Party on behalf of the party plaintiffs also requested population adjustments for East Orange for various bills.

13. Pursuant to the legislative request in paragraph 12, I directed the employees of the Office of Legislative Services to obtain the population adjustments.

14. The data concerning the population adjustments is found in Appendix C, which is attached hereto and made a part hereof.

/s/ Samuel A. Alito
SAMUEL A. ALITO

[Notarization Omitted in Printing]

Appendix A

DATA SHEET

	Sponsor	Date Proposed	Date Introduced	Frag-ments	Paired Incumbents
P.L. 1982, c.1	Feldman	—	1-12-82	55	1
1970's Plan	Turner	—	—	42	—
A-3776	Kavanaugh	12-17-81	12-17-81	50	1
S-3547	DiFrancesco	1-4-82	1-4-82	48	1
A-3794	Bennett	1-4-82	1-7-82	38	1
S-3549	Gagliano	1-4-82	1-4-82	38	1
A-3646	Kern	11-16-81	11-23-81	44	1
S-3328	Hagedorn	6-22-81	6-22-81	44	1
A-3767	Kern	12-17-81	1-4-82	46	1
S-3538	Hagedorn	12-17-81	1-4-82	46	1
A-614	Bennett	1-18-82	2-1-82	39	1
A-615	Kavanaugh	1-18-82	2-1-82	44	1
A-3817	Hardwick	1-11-82	1-12-82	45	1

A = Assembly; S = Senate

SUMMARY PAGE

P.L. 1982, C.1

	Population 1980
Average	526,059
Highest	527,472
Lowest	523,798
Range	3,674
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,057	−2	−.000380
2. Cong. District 2	526,279	220	.041820
3. Cong. District 3	524,825	−1,234	−.234574
4. Cong. District 4	527,472	1,413	.268601
5. Cong. District 5	526,367	308	.058549
6. Cong. District 6	523,798	−2,261	−.429800
7. Cong. District 7	525,563	−496	−.094286
8. Cong. District 8	526,138	79	.015017
9. Cong. District 9	527,349	1,290	.245220
10. Cong. District 10	525,832	−227	−.043151
11. Cong. District 11	525,290	−769	−.146181
12. Cong. District 12	526,907	848	.161199
13. Cong. District 13	526,168	109	.020720
14. Cong. District 14	526,778	719	.136677
	7,364,823		

Overall Range

0.6984007497

SUMMARY PAGE

1970 PLAN

	Papulation 1970
Average	478,074
Highest	478,542
Lowest	477,730
Range	812
Total	7,171,112

	Population 1970	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	478,002	−72	−.015060
2. Cong. District 2	478,126	52	.010877
3. Cong. District 3	478,069	−5	−.001046
4. Cong. District 4	478,221	147	.030748
5. Cong. District 5	477,789	−285	−.059614
6. Cong. District 6	478,109	35	.007321
7. Cong. District 7	478,157	83	.017361
8. Cong. District 8	478,444	370	.077394
9. Cong. District 9	478,098	24	.005020
10. Cong. District 10	477,730	−344	−.071955
11. Cong. District 11	478,542	468	.097893
12. Cong. District 12	477,887	−187	−.039115
13. Cong. District 13	478,245	171	.035769
14. Cong. District 14	477,744	−330	−.069027
15. Cong. District 15	477,949	−125	−.026147
	7,171,112		

Overall Range

0.1698481825

SUMMARY PAGE

A3776

	Population 1980
Average	526,059
Highest	526,788
Lowest	524,957
Range	1,831
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,029	−30	−.005703
2. Cong. District 2	526,082	23	.004372
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,018	−41	−.007794
5. Cong. District 5	525,777	−282	−.053606
6. Cong. District 6	526,056	−3	−.000570
7. Cong. District 7	526,788	729	.138578
8. Cong. District 8	526,711	652	.123940
9. Cong. District 9	525,947	−112	−.021290
10. Cong. District 10	526,151	92	.017489
11. Cong. District 11	526,175	116	.022051
12. Cong. District 12	525,974	−85	−.016158
13. Cong. District 13	524,957	−1,102	−.209482
14. Cong. District 14	526,142	83	.015778
	7,364,823		

Rel. Overall Range

0.3461588909

SUMMARY PAGE

S3457

	Population 1980
Average	526,059
Highest	526,603
Lowest	526,944
Range	659
Total	7,364,823

	Population 1980	Absolute Population Deviation	Population Relative Deviation
1. Cong. District 1	526,038	−21	−.003992
2. Cong. District 2	526,082	23	.004372
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,053	−6	−.001141
5. Cong. District 5	526,014	−45	−.008554
6. Cong. District 6	526,047	−12	−.002281
7. Cong. District 7	526,032	−27	−.005133
8. Cong. District 8	526,031	−28	−.005323
9. Cong. District 9	525,944	−115	−.021861
10. Cong. District 10	526,603	544	.103410
11. Cong. District 11	526,007	−52	−.009885
12. Cong. District 12	525,953	−106	−.020150
13. Cong. District 13	525,954	−105	−.019960
14. Cong. District 14	526,049	−10	−.001901
	7,364,823		

Rel. Overall Range

0.1252711198

SUMMARY PAGE

A3794 *

* Only 20 of 21 counties in New Jersey were delineated in this bill. Hunterdon County, containing 26 municipalities, was not included. The absence of all 21 counties and 567 municipalities makes it impossible to compile a complete table of population deviations.

SUMMARY PAGE

S3549 *

* Only 20 of 21 counties in New Jersey were delineated in this bill. Hunterdon County, containing 26 municipalities, was not included. The absence of all 21 counties and 567 municipalities makes it impossible to compile a complete table of population deviations.

SUMMARY PAGE

A3646 AND S3328

	Population 1980
Average	526,059
Highest	526,770
Lowest	525,739
Range	1,031
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,972	−87	−.016538
2. Cong. District 2	525,909	−150	−.028514
3. Cong. District 3	526,003	−56	−.010645
4. Cong. District 4	526,249	190	.036118
5. Cong. District 5	525,944	−115	−.021861
6. Cong. District 6	525,996	−63	−.011976
7. Cong. District 7	525,970	−89	−.016918
8. Cong. District 8	526,770	711	.135156
9. Cong. District 9	526,199	140	.026613
10. Cong. District 10	526,140	81	.015398
11. Cong. District 11	525,739	−320	−.060830
12. Cong. District 12	525,827	−232	−.044102
13. Cong. District 13	526,056	−3	−.000570
14. Cong. District 14	526,049	−10	−.001901
	7,364,823		

Rel. Overall Range

0.195986214

SUMMARY PAGE

A614

	Population 1980
Average	526,059
Highest	526,507
Lowest	525,787
Range	720
Total	7,364,823

	Poplation 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,914	−145	−.027563
2. Cong. District 2	526,046	−13	−.002471
3. Cong. District 3	526,245	186	.035357
4. Cong. District 4	525,887	−172	−.032696
5. Cong. District 5	525,872	−187	−.035547
6. Cong. District 6	526,144	85	.016158
7. Cong. District 7	525,833	−226	−.042961
8. Cong. District 8	525,787	−272	−.051705
9. Cong. District 9	525,982	−77	−.014637
10. Cong. District 10	526,186	127	.024142
11. Cong. District 11	526,175	116	.022051
12. Cong. District 12	526,507	448	.085162
13. Cong. District 13	526,007	−52	−.009885
14. Cong. District 14	526,238	179	.034027
	7,364,823		

Overall Range

0.1368667773

SUMMARY REPORT

A3817

	Population 1980
Average	526,059
Highest	527,673
Lowest	525,298
Range	2,375
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,784	−275	−.052276
2. Cong. District 2	525,915	−144	−.027373
3. Cong. District 3	525,909	−150	−.028514
4. Cong. District 4	525,673	−386	−.073376
5. Cong. District 5	526,182	123	.023381
6. Cong. District 6	526,054	−5	−.000950
7. Cong. District 7	526,283	224	.042581
8. Cong. District 8	526,337	278	.052846
9. Cong. District 9	525,726	−333	−.063301
10. Cong. District 10	527,673	1,614	.306810
11. Cong. District 11	525,298	−761	−.144661
12. Cong. District 12	526,464	405	.076988
13. Cong. District 13	526,189	130	.024712
14. Cong. District 14	525,336	−723	−.137437
	7,364,823		

Rel. Overall Range

0.4514702723

Appendix B

DISTRICT 10

A3574, A3772, A3795, A3809, A3817

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
5. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
	527,673	184,278	34.92	299,227	56.70	72,830	13.80

S879, S3549, A614, A3794

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
3. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
7. Kearny Town	35,735	34,821	97.44	79	.22	3,214	8.99
	526,186	202,474	38.47	280,017	53.21	74,571	14.17

S880, A613

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
3. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	525,209	182,049	34.66	299,343	56.99	70,929	13.50

C.V. OF S3518, S3519, A3815

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	191,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
6. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
7. Springfield Twp	13,955	13,395	95.99	395	2.83	170	1.22
	525,576	199,321	37.94	285,291	54.28	67,736	12.88

S3518, S3527, S3560, S3561, S3562, S710, S711, A3813, A3814, A3816, A604, A605

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
5. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	525,832	194,020	36.89	287,903	54.75	72,519	13.79

A3807

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
6. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	523,863	197,492	37.69	284,924	54.38	70,081	13.37

S3328, S3538, S770, A3646, A3732, A3767, A611

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Lyndhurst Twp	20,326	20,016	98.47	8	.04	482	2.37
2. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Clifton City	74,388	72,670	97.69	360	.48	1,542	2.07
6. Passaic City	52,463	32,210	61.40	10,364	19.75	17,933	34.18
	526,140	273,213	51.92	203,742	38.72	82,740	15.72

A3286

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Nutley Town	28,998	27,758	95.72	483	1.67	499	1.72
6. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
7. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
	526,158	206,981	39.33	277,235	52.69	67,149	12.76

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A3554

	Population 1980	White	White Pct	Black	Black Pct	Spanish	Spanish Pct
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
5. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
6. West Orange Town	39,510	37,400	94.66	967	2.45	591	1.50
	528,815	209,107	39.54	277,584	52.49	67,107	12.69

S3548, S878, A3792, A615, A646

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
5. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
6. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	526,001	201,166	38.24	281,168	53.45	69,891	13.28

S3525, A3776

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
5. Bayonne City	65,047	60,892	93.61	2,677	4.12	3,648	5.61
6. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	526,151	238,670	45.36	243,640	46.30	74,009	14.06

S3353

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
3. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
4. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
5. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
6. Nutley Town	28,998	27,758	95.72	483	1.67	499	1.72
	526,950	226,098	42.90	259,060	49.16	66,111	12.64

A3573

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
5. West Orange Town	39,510	37,400	94.66	967	2.45	591	1.50
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	527,130	201,720	38.26	283,178	53.72	69,599	13.20

S3547

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Maplewood Twp	22,950	21,636	94.27	1,003	4.37	385	1.68
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	526,603	206,980	39.30	278,072	52.80	67,048	12.73

S3526, S3531, S3563, A3780

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
6. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
7. Springfield Twp	13,955	13,395	95.99	395	2.83	170	1.22
	525,576	199,321	37.94	285,291	54.28	67,736	12.58

Appendix C

Using population figures from the official decennial census of the United States for New Jersey as reported in March 1981 and before the revisions certified on October 30, 1981, the relative and absolute overall ranges of the following bills are:

Bill	Relative Overall Range	Absolute Overall Range
S-3547	0.03 percent	144
S-3328	0.10 percent	510
A-3646	0.10 percent	510
S-3538	0.07 percent	360
A-3767	0.07 percent	360
A-3817	0.33 percent	1,710

JOINT EXHIBIT NO. 5

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF SAMUEL A. ALITO

SAMUEL A. ALITO, being duly sworn, deposes and says:

1. I am the Executive Director of the Office of Legislative Services of the New Jersey Legislature. Before assuming this position in May 19, 1981, I was the Director of the Division of Legislative Information and Research in the Office of Legislative Services since 1963.

2. The Office of Legislative Services is a non-partisan agency of the Legislature, which provides technical assistance to the Legislature and its members in the areas of information, research, bill-drafting, legal issues, budget and fiscal matters as well as conducting post-audits of all State agencies.

3. This office, upon request, is able to determine the population deviations and other variables of any Congressional redistricting plan.

4. Legislative members of the Republican Party, on behalf of the party plaintiffs, requested that this office provide a table of population deviations for A.3794 and S.3549, two redistricting bills introduced in 1981, assuming that Hunterdon County is placed in District 5. The definitions of the various deviation terms and the methodology used to obtain the deviations are defined in another affidavit attested to by me. To the extent necessary the definitions and methodology described in that affidavit are incorporated by reference into the instant affidavit and made a part hereof. All population data are based on the 1980 census statistics.

5. Pursuant to the legislative request in paragraph 4, I directed employees of the Office of Legislative Services to obtain the necessary information and data.

6. The information and data requested in paragraph 4 are found in Appendix A, which is attached hereto and made a part hereof.

/s/ Samuel A. Alito
SAMUEL A. ALITO

[Notarization Omitted in Printing]

Appendix A

SUMMARY PAGE

A3794 AND S3549

With Hunterdon County placed in fifth District.

	Population 1980
Average	526,059
Highest	526,507
Lowest	525,787
Range	720
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,914	−145	−.027563
2. Cong. District 2	526,046	−13	−.002471
3. Cong. District 3	526,245	186	.035357
4. Cong. District 4	525,887	−172	−.032696
5. Cong. District 5	525,891	−168	−.031936
6. Cong. District 6	526,144	85	.016158
7. Cong. District 7	525,833	−226	−.042961
8. Cong. District 8	525,787	−272	−.051705
9. Cong. District 9	525,982	−77	−.014637
10. Cong. District 10	526,186	127	.024142
11. Cong. District 11	526,175	116	.022051
12. Cong. District 12	526,507	448	.085162
13. Cong. District 13	525,988	−71	−.013497
14. Cong. District 14	526,238	179	.034027
	7,364,823		

Rel. Overall Range

0.1368667773

JOINT EXHIBIT NO. 6

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF SAMUEL A. ALITO

SAMUEL A. ALITO, being duly sworn, deposes and says:

1. I am the Executive Director of the Office of Legislative Services of the New Jersey Legislature. Before assuming this position in May 19, 1981, I was the Director of the Division of Legislative Information and Research in the Office of Legislative Services since 1963.

2. The Office of Legislative Services is a non-partisan agency of the Legislature, which provides technical assistance to the Legislature and its members in the areas of information, research, bill-drafting, legal issues, budget and fiscal matters as well as conducting post-audits of all State agencies.

3. The legislative members of the Democratic Party, on behalf of the party defendants, requested that this office review A.3772 of 1981, a redistricting bill, to ascertain whether the municipality of Magnolia is contiguous with the sixth district as described in that bill.

4. Pursuant to the legislative request in paragraph 3, I directed an employee of the Office of Legislative Services to make that determination.

5. The employee constructed a map for the first and sixth districts as described in A.3772 and it was determined that the municipality of Magnolia was not contiguous with the sixth district as described in that bill.

/s/ Samuel A. Alito
SAMUEL A. ALITO

[Notarization Omitted in Printing]

JOINT EXHIBIT NO. 7

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

AFFIDAVIT OF SAMUEL A. ALITO

SAMUEL A. ALITO, being duly sworn, deposes and says:

1. I am the Executive Director of the Office of Legislative Services of the New Jersey Legislature. Before assuming this position in May 19, 1981, I was the Director of the Division of Legislative Information and Research in the Office of Legislative Services since 1963.

2. The Office of Legislative Services is a non-partisan agency of the Legislature, which provides technical assistance to the Legislature and its members in the areas of information, research, bill-drafting, legal issues, budget and fiscal matters as well as conducting post-audits of all State agencies.

3. Neither I nor my office played any role in the enactment of the Congressional redistricting bill signed by Governor Byrne on January 19, 1982 (Laws 1982, c. 1). Upon request, however, we are able to determine the population deviations and other variables of any Congressional redistricting plan.

4. Legislative members of the Democratic Party, on behalf of the party defendants, requested that the following information and data be obtained for certain redistricting bills introduced in the Legislature following the official 1980 federal decennial census (hereafter referred to as the 1980 census):

a. The sponsor of the bill;

b. The date of introduction of the bill;

c. The number of county fragments in the bill;

d. The number of paired incumbents in the bill;

e. The average district population for the bill;

f. The highest district population for the bill;

g. The lowest district population for the bill;

h. The range of population for the bill;

i. The population for each Congressional district in the bill;

j. The absolute population deviation for each Congressional district in the bill;

k. The relative population deviation for each Congressional district in the bill; and

l. The relative overall range for each bill.

5. The definition for each enumerated request listed in paragraph 4 is as follows:

a. "Sponsor" means the first-listed legislator introducing the bill and endorsing his signature thereon.

b. "The date of introduction" means the calendar date on which the bill received first reading.

c. "The number of county fragments" is obtained by determining the number of whole counties and parts of counties contained in each Congressional district and then totalling the fragments of all the 14 districts.

d. "The number of paired incumbents" means the number of districts in which two incumbent Congressmen reside.

e. "The average district population" means the sum of the 14 district populations divided by 14.

f. "Highest district population" means the population of the most populous district.

g. "Lowest district population" means the population of the least populous district.

h. "Range of population" means the lowest district population subtracted from the highest district population.

i. "Population for each Congressional district" means the population for each Congressional district according to the 1980 census figures.

j. "Absolute population deviation for each Congressional district" means the difference between the district population and the average district population.

k. "Relative population deviation for each Congressional district" means the absolute population deviation divided by the average district population and expressed as a percent.

l. "Relative overall range" means the range of population divided by the average district population and expressed as a percent.

6. Pursuant to the legislative request in paragraph 4, I directed employees of the Office of Legislative Services to obtain the necessary information and data.

7. Where it was necessary or expedient to perform mathematical calculations a computer was used. The population data are based on the 1980 census.

8. The information and data requested in paragraph 4 are found in the Appendix A, which is attached hereto and made a part hereof.

9. Legislative members of the Democratic Party, on behalf of the party defendants, also requested racial population data for those districts which contain the city of Newark for all the redistricting bills introduced in the Legislature.

10. Pursuant to the legislative request in paragraph 9, I directed employees of the Office of Legislative Services to obtain that data.

11. This data is found in the Appendix B, which is attached hereto and made a part hereof.

/s/ Samuel A. Alito
SAMUEL A. ALITO

[Notarization Omitted in Printing]

Appendix A

DATA SHEET

	Sponsor	Date Introduced	Fragments	Paired Incumbents
P.L. 1982, c.1	Feldman	1-12-82	55	3
1970's Plan	Turner	—	42	—
A-3776	Kavanaugh	12-17-81	50	1
S-3525	Parker	12-14-81	50	1
S-3547	DiFrancesco	1-4-82	48	1
A-3792	Saxton	1-7-82	46	1
S-3548	Dorsey	1-4-82	46	1
A-3573	Hardwick	6-25-81	47	2
A-3794	Bennett	1-7-82	38	1
S-3549	Gagliano	1-4-82	38	1
A-3646	Kern	11-23-81	44	1
S-3328	Hagedorn	6-22-81	44	1
A-3767	Kern	1-4-82	46	1
S-3538	Hagedorn	1-4-82	46	1
A-614	Bennett	2-1-82	39	1
A-615	Kavanaugh	2-1-82	44	1
A-3817	Hardwick	1-12-82	45	1
A-3772	D. Gallo	12-17-81	53	1

A = Assembly; S = Senate

SUMMARY PAGE

P.L. 1982, C.1.

	Population 1980
Average	526,059
Highest	527,472
Lowest	523,798
Range	3,674
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,057	−2	−.000380
2. Cong. District 2	526,279	220	.041820
3. Cong. District 3	524,825	−1,234	−.234574
4. Cong. District 4	527,472	1,413	.268601
5. Cong. District 5	526,367	308	.058549
6. Cong. District 6	523,798	−2,261	−.429800
7. Cong. District 7	525,563	−496	−.094286
8. Cong. District 8	526,138	79	.015017
9. Cong. District 9	527,394	1,290	.245220
10. Cong. District 10	525,832	−227	−.043151
11. Cong. District 11	525,290	−769	−.146181
12. Cong. District 12	526,907	848	.161199
13. Cong. District 13	526,168	109	.020720
14. Cong. District 14	526,778	719	.136677
	7,364,823		

Overall Range

0.6984007497

SUMMARY PAGE

1970 PLAN

	Population 1970
Average	478,078
Highest	478,542
Lowest	477,730
Range	812
Total	7,171,112

	Population 1970	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	478,002	−72	−.015060
2. Cong. District 2	478,126	52	.010877
3. Cong. District 3	478,069	−5	−.001046
4. Cong. District 4	478,221	147	.030748
5. Cong. District 5	477,789	−285	−.059614
6. Cong. District 6	478,109	35	.007321
7. Cong. District 7	478,157	83	.017361
8. Cong. District 8	478,444	370	.077394
9. Cong. District 9	478,098	24	.005020
10. Cong. District 10	477,730	−344	−.071955
11. Cong. District 11	478,542	468	.097893
12. Cong. District 12	477,887	−187	−.039115
13. Cong. District 13	478,245	171	.035769
14. Cong. District 14	477,744	−330	−.069027
15. Cong. District 15	477,949	−125	−.026147
	7,171,112		

Rel. Overall Range

.1698481825

SUMMARY PAGE

A3776

	Population 1980
Average	526,059
Highest	526,788
Lowest	524,957
Range	1,831
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,029	−30	−.005703
2. Cong. District 2	526,082	23	.004372
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,018	−41	−.007794
5. Cong. District 5	525,777	−282	−.053606
6. Cong. District 6	526,056	−3	−.000570
7. Cong. District 7	526,788	729	.138578
8. Cong. District 8	526,711	652	.123940
9. Cong. District 9	525,947	−112	−.021290
10. Cong. District 10	526,151	92	.017489
11. Cong. District 11	526,175	116	.022051
12. Cong. District 12	525,974	−85	−.016158
13. Cong. District 13	524,957	−1,102	−.209482
14. Cong. District 14	526,142	83	.015778
	7,364,823		

Rel. Overall Range

.3461588908

SUMMARY PAGE

S3525 *

* Only 566 out of 567 municipalities in New Jersey were delineated in this bill. Sea Bright in Monmouth County was not included. The absence of all 567 municipalities makes it impossible to compile a complete table of population deviations.

SUMMARY PAGE

S3547

	Population 1980
Average	526,059
Highest	526,603
Lowest	525,944
Range	659
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,038	−21	−.003992
2. Cong. District 2	526,082	23	.004372
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,053	−6	−.001141
5. Cong. District 5	526,014	−45	−.008554
6. Cong. District 6	526,047	−12	−.002281
7. Cong. District 7	526,032	−27	−.005133
8. Cong. District 8	526,031	−28	−.005323
9. Cong. District 9	525,944	−115	−.021861
10. Cong. District 10	526,603	544	.103410
11. Cong. District 11	526,007	−52	−.009885
12. Cong. District 12	525,953	−106	−.020150
13. Cong. District 13	525,954	−105	−.019960
14. Cong. District 14	526,049	−10	−.001901
	7,364,823		

Rel. Overall Range

0.1252711198

SUMMARY PAGE

S3548 AND A3792

	Population 1980
Average	526,059
Highest	544,160
Lowest	508,079
Range	36,081
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	508,079	−17,980	−3.417868
2. Cong. District 2	544,160	18,101	3.440869
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,040	−19	−.003612
5. Cong. District 5	526,009	−50	−.009505
6. Cong. District 6	525,941	−118	−.022431
7. Cong. District 7	528,047	1,988	.377904
8. Cong. District 8	526,105	46	.008744
9. Cong. District 9	524,163	−1,896	−.360416
10. Cong. District 10	526,001	−58	−.011025
11. Cong. District 11	526,007	−52	−.009885
12. Cong. District 12	526,111	52	.009885
13. Cong. District 13	525,995	−64	−.012166
14. Cong. District 14	526,149	90	.017108
	7,364,823		

Rel. Overall Range

6.858736377

SUMMARY PAGE

A3573

	Population 1980
Average	526,059
Highest	535,167
Lowest	517,894
Range	17,273
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,810	−249	−.047333
2. Cong. District 2	526,468	409	.077748
3. Cong. District 3	526,010	−49	−.009315
4. Cong. District 4	526,319	260	.049424
5. Cong. District 5	525,816	−243	−.046193
6. Cong. District 6	526,267	208	.039539
7. Cong. District 7	535,167	9,108	1.731365
8. Cong. District 8	525,888	−171	−.032506
9. Cong. District 9	517,894	−8,165	−1.552107
10. Cong. District 10	527,130	1,071	.203589
11. Cong. District 11	525,547	−512	−.097327
12. Cong. District 12	525,885	−174	−.033076
13. Cong. District 13	525,286	−773	−.146942
14. Cong. District 14	525,336	−723	−.137437
	7,364,823		

Rel. Overall Range

3.283472006

SUMMARY PAGE

A3734 *

* Only 20 of 21 counties in New Jersey were delineated in this bill. Hunterdon County, containing 26 municipalities, was not included. The absence of all 21 counties and 567 municipalities makes it impossible to compile a complete table of population deviations.

SUMMARY PAGE

S3549 *

* Only 20 of 21 counties in New Jersey were delineated in this bill. Hunterdon County, containing 26 municipalities, was not included. The absence of all 21 counties and 567 municipalities makes it impossible to compile a complete table of population deviations.

SUMMARY PAGE

A3646 AND S3328

	Population 1980
Average	526,059
Highest	526,770
Lowest	525,739
Range	1,031
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,972	−87	−.016538
2. Cong. District 2	525,909	−150	−.028514
3. Cong. District 3	526,003	−56	−.010645
4. Cong. District 4	526,249	190	.036118
5. Cong. District 5	525,944	−115	−.021861
6. Cong. District 6	525,996	−63	−.011976
7. Cong. District 7	525,970	−89	−.016918
8. Cong. District 8	526,770	711	.135156
9. Cong. District 9	526,199	140	.026613
10. Cong. District 10	526,140	81	.015398
11. Cong. District 11	525,739	−320	−.060830
12. Cong. District 12	525,827	−232	−.044102
13. Cong. District 13	526,056	−3	−.000570
14. Cong. District 14	526,049	−10	−.001901
	7,364,823		

Rel. Overall Range

0.1959856214

SUMMARY PAGE

A3767 *

* Bass River, Tabernacle and Woodland in Burlington County are included in the 2nd and 6th congressional districts by virtue of the language contained in page 2, section 2, lines 51 and 52. The duplication contained in the bill would result in more than the 567 municipalities in New Jersey making it impossible to compile a complete table of population deviations.

SUMMARY PAGE

S3538 *

* Bass River, Tabernacle and Woodland in Burlington County are included in the 2nd and 6th congressional districts by virtue of the language contained on page 2, section 2, lines 51 and 52. The duplication contained in the bill would result in more than the 567 municipalities in New Jersey making it impossible to compile a complete table of population deviations.

SUMMARY PAGE

A614

	Population 1980
Average	526,059
Highest	526,507
Lowest	525,787
Range	720
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,914	−145	−.027563
2. Cong. District 2	526,046	−13	−.002471
3. Cong. District 3	526,245	186	.035357
4. Cong. District 4	525,887	−172	−.032696
5. Cong. District 5	525,372	−187	−.035547
6. Cong. District 6	526,144	85	.016158
7. Cong. District 7	525,833	−226	−.042961
8. Cong. District 8	525,787	−272	−.051705
9. Cong. District 9	525,982	−77	−.014637
10. Cong. District 10	526,186	127	.024142
11. Cong. District 11	526,175	116	.022051
12. Cong. District 12	526,507	448	.085162
13. Cong. District 13	526,007	−52	−.009885
14. Cong. District 14	526,238	179	.034027
	7,364,823		

Overall Range

0.1368667773

SUMMARY PAGE

A615

	Population 1980
Average	526,059
Highest	526,149
Lowest	525,995
Range	154
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	526,029	−30	−.005703
2. Cong. District 2	526,082	23	.004372
3. Cong. District 3	526,016	−43	−.008174
4. Cong. District 4	526,053	−6	−.001141
5. Cong. District 5	526,009	−50	−.009505
6. Cong. District 6	526,056	−3	−.000570
7. Cong. District 7	526,090	31	.005893
8. Cong. District 8	526,105	46	.008744
9. Cong. District 9	526,120	61	.011596
10. Cong. District 10	526,001	−58	−.011025
11. Cong. District 11	526,007	−52	−.009885
12. Cong. District 12	526,111	52	.009885
13. Cong. District 13	525,995	−64	−.012166
14. Cong. District 14	526,149	90	.017108
	7,364,823		

Overall Range

0.02927428292

SUMMARY REPORT

A3817

	Population 1980
Average	526,059
Highest	527,673
Lowest	525,298
Range	2,375
Total	7,364,823

	Population 1980	Absolute Population Deviation	Relative Population Deviation
1. Cong. District 1	525,784	−275	−.052276
2. Cong. District 2	525,915	−144	−.027373
3. Cong. District 3	525,909	−150	−.028514
4. Cong. District 4	525,673	−386	−.073376
5. Cong. District 5	526,182	123	.023381
6. Cong. District 6	526,054	−5	−.000950
7. Cong. District 7	526,283	224	.042581
8. Cong. District 8	526,337	278	.052846
9. Cong. District 9	525,726	−333	−.063301
10. Cong. District 10	527,673	1,614	.306810
11. Cong. District 11	525,298	−761	−.144661
12. Cong. District 12	526,464	405	.076988
13. Cong. District 13	526,189	130	.024712
14. Cong. District 14	525,336	−723	−.137437
	7,364,823		

Rel. Overall Range

0.4514702723

SUMMARY PAGE

A3772 *

* Only 566 out of 567 municipalities in New Jersey were delineated in this bill. Monroe Township in Gloucester County was not included. The absence of all 567 municipalities makes it impossible to compile a complete table of population deviations.

Appendix B

DISTRICT 10

A3574, A3772, A3795, A3809, A3817

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
5. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
	527,673	184,278	34.92	299,227	56.70	72,830	13.80

S879, S3549, A614, A3794

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
3. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
7. Kearny Town	35,735	34,821	97.44	79	.22	3,214	8.99
	526,186	202,474	38.47	280,017	53.21	74,571	14.17

S880, A613

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
3. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	525,209	182,049	34.66	299,343	56.99	70,929	13.50

C.V. OF S3518, S3519, A3815

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	191,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
6. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
7. Springfield Twp	13,955	13,395	95.99	395	2.83	170	1.22
	525,576	199,321	37.94	285,291	54.28	67,736	12.88

S3518, S3527, S3560, S3561, S3562, S710, S711, A3813, A3814, A3816, A604, A605

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
5. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	525,832	194,020	36.89	287,903	54.75	72,519	13.79

A3807

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
6. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	523,863	197,492	37.69	284,924	54.38	70,081	13.37

S3328, S3538, S770, A3646, A3732, A3767, A611

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Lyndhurst Twp	20,326	20,016	98.47	8	.04	482	2.37
2. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Clifton City	74,388	72,670	97.69	360	.48	1,542	2.07
6. Passaic City	52,463	32,210	61.40	10,364	19.75	17,933	34.18
	526,140	273,213	51.92	203,742	38.72	82,740	15.72

A3286

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Nutley Town	28,998	27,758	95.72	483	1.67	499	1.72
6. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
7. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
	526,158	206,981	39.33	277,235	52.69	67,149	12.76

A3554

	Population 1980	White	White Pct	Black	Black Pct	Spanish	Spanish Pct
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
4. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
5. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
6. West Orange Town	39,510	37,400	94.66	967	2.45	591	1.50
	528,815	209,107	39.54	277,584	52.49	67,107	12.69

S3548, S878, A3792, A615, A646

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
4. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
5. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
6. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	526,001	201,166	38.24	281,168	53.45	69,891	13.28

S3525, A3776

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Irvington Town	61,493	34,268	55.73	23,397	38.05	5,181	8.43
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
5. Bayonne City	65,047	60,892	93.61	2,677	4.12	3,648	5.61
6. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	526,151	238,670	45.36	243,640	46.30	74,009	14.06

S3353

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Belleville Town	35,367	33,263	94.05	815	2.30	1,382	3.91
2. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
3. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
4. Glen Ridge Bor	7,855	7,516	95.68	135	1.72	134	1.71
5. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
6. Nutley Town	28,998	27,758	95.72	483	1.67	499	1.72
	526,950	226,098	42.90	259,060	49.16	66,111	12.64

A3573

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
5. West Orange Town	39,510	37,400	94.66	967	2.45	591	1.50
6. Harrison Town	12,242	11,566	94.48	28	.23	2,515	20.54
7. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
	527,130	201,720	38.26	283,178	53.72	69,599	13.20

S3547

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. Bloomfield Town	47,792	45,079	94.32	1,258	2.63	1,049	2.19
2. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
3. Maplewood Twp	22,950	21,636	94.27	1,003	4.37	385	1.68
4. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
5. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
6. South Orange Village	15,864	13,878	87.48	1,593	10.04	283	1.78
7. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
	526,603	206,980	39.30	278,072	52.80	67,048	12.73

S3526, S3531, S3563, A3780

	Population 1980	White	Pct White	Black	Pct Black	Spanish	Pct Spanish
1. East Orange City	77,690	11,065	14.24	64,626	83.18	1,793	2.31
2. Newark City	329,248	101,417	30.80	191,743	58.24	61,254	18.60
3. Orange City	31,136	12,084	38.81	17,840	57.30	1,804	5.79
4. East Newark Bor	1,923	1,821	94.70	9	.47	480	24.96
5. Union Twp	50,184	45,229	90.13	4,297	8.56	876	1.75
6. Hillside Twp	21,440	14,310	66.74	6,381	29.76	1,359	6.34
7. Springfield Twp	13,955	13,395	95.99	395	2.83	170	1.22
	525,576	199,321	37.94	285,291	54.28	67,736	12.58

EXCERPTS FROM THE TRANSCRIPT OF PROCEEDINGS, FEBRUARY 26, 1982

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

[2]

BEFORE:

JOHN J. GIBBONS,
Circuit Judge,
U.S. Court of Appeals,
For the Third Circuit.

CLARKSON S. FISHER,
Chief Judge,
U.S. District Court.

STANLEY S. BROTMAN
U.S. District Court Judge.

APPEARANCES:

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Attorney pro se.

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Speaker of N.J. Gen. Assembly.

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[3] IRWIN I. KIMMELMAN,
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Edward T. Magee, et al.

FRANK ASKIN, ESQ.,
Pro se Proposed Intervenor

* * * *

[34] * * * *

JUDGE GIBBONS: Are you saying that no bill could have achieved a lower deviation than the one that was enacted?

MR. WALSH: I am saying, based on Mr. Alito's submissions to the Court, that virtually every one of the Republican triggers, the bills which apparently should trigger this hearing, are defective in some quasi-constitutional or constitutional way.

JUDGE GIBBONS: But they were not enacted. Are you saying that?

MR. WALSH: Fortunately.

JUDGE GIBBONS: That on this record, no inference could be drawn that a redistricting plan achieving a lower deviation was possible.

MR. WALSH: I am saying, your Honor, that as I understand the bills, the only bill which one [35] could even arguably suggest would be a trigger before PL 1982 C1 was passed—

JUDGE GIBBONS: Mr. Walsh, you are being evasive. Answer the question. Are you saying that on the record that is before us, the depositions and exhibits, no inference could be drawn that a bill achieving a lower population deviation was possible?

MR. WALSH: I think an argument could be made, based on a couple of the bills which were introduced after PL 1982 C1 was passed into law, that an argument could be made that a lower absolute per cent deviation could be achieved.

JUDGE GIBBONS: Could an argument be made that had the Reock proposal been considered, a lower deviation could have achieved?

MR. WALSH: As I understand it the Reock proposal as it was introduced, as amended, I might add, by Assemblyman Hardwick, I understand that it permits a total absolute deviation of .4517 per cent. That is what I

understand. I also understand that the Reock proposal was altered in the submission in that Marie Muhler's town, Marlboro, was moved into the 3rd Congressional District.

Now, I don't know how much that changed Professor Reock's deviation but I must say—

[36] JUDGE GIBBONS: Could an inference be drawn from the fact that the Legislature had the Reock proposal back in the summer of '81 and didn't explore it, that they were not, in good faith, attempting to achieve mathematical equality?

MR. WALSH: In my judgment, I don't think any such inference could be drawn and I say that—

JUDGE GIBBONS: Why?

MR. WALSH: —because I think any interested citizen, Dr. Reock, perhaps another professor, perhaps an interested member of the Republican Party, perhaps an interested member of the Democratic Party, and perhaps a non-partisan, perhaps anybody in or out of the State of New Jersey could devise a plan. I assume an analog computer, if it were programmed to look for absolute mathematical certainty, could do the same thing.

Now, assuming—

JUDGE GIBBONS: If such a plan were called to the attention of the majority leadership in the Legislature, is it your position that refusing or neglecting to consider it does not at all bear on the legal requirements announced in the three Supreme Court cases?

MR. WALSH: I think in essence, that is our [37] position.

JUDGE GIBBONS: Does it bear on good faith effort to achieve mathematical equality?

MR. WALSH: I think on that standing alone, that would be correct.

• • • •

[40] • • •

JUDGE GIBBONS: That reminds me. You make reference to Mayor Gibson's affidavit. What I had was Mayor Gibson's statement and in another instance, somebody else's statement. What are they?

[41] MR. WALSH: Perhaps I am using the word, affidavit, loosely. Title 28, U.S. Code 1746 provides for a sworn statement in lieu of an affidavit. The reason for taking such—

JUDGE GIBBONS: Was that a sworn statement?

MR. WALSH: It was unsworn, but under 28 U.S.C. 1746, Judge Gibbons, if the statement in paragraph 15 is on the affidavit or the statement, and it is dated, it is admissible in Federal Court and would be an affidavit.

Now, of course, that is done for several reasons, aside from the fact that it is hard to find Notary Publics at two o'clock in the morning and it assists Federal Courts in taking affidavits or statements from various parts of the United States and I hope—

JUDGE GIBBONS: It is submitted then as an affidavit?

MR. WALSH: Under 28—1746, for the appropriate purposes permitted by statute.

JUDGE GIBBONS: All right.

MR. WALSH: And I believe there are other statements. Dr. Trussell is also a statement under that statute.

JUDGE GIBBONS: All right. You are submitting [42] them then as affidavits in support of your motion for summary judgment?

MR. WALSH: Precisely.

* * * *

JUDGE GIBBONS: And Mr. Walsh, on that part there are two questions:

First, is that a valid reason for departure from absolute—from an effort to achieve zero deviation which, for purposes of argument at the moment, we will accept and secondly, whether on this record, a fact finder could draw

any inference, other than that, that was the Legislative motivation?

MR. WALSH: I think, based on the record and given the full opportunity to cross-examine, it then may—

JUDGE GIBBONS: Your decision then is, there is no disputed issue of fact as to whether or not [43] that was the real motivation.

MR. WALSH: I think a fair reading of those affidavits, it makes it clear that that position is not being challenged. Maybe I am in error. I sat through the depositions seven hours and I don't think I heard that proposition challenged.

JUDGE GIBBONS: Well, I was reading the deposition. There was a fair amount of argument and colloquy but that argument is placed as advance argument.

In Mr. Goldstein's argument, he did say that at least some prior maps achieved the same thing in the 10th District as the map that was enacted.

MR. WALSH: Well, I most respectfully—

JUDGE GIBBONS: Wouldn't that support an inference that perhaps, the 10th District problem, was pretextual?

MR. WALSH: Let me see if I can answer your questions, Judge Gibbons.

The first question is, can we see, based on the present assertions and the other information before the Court, whether this is an appropriate matter for disposition by summary judgment.

Mr. Alito has, in connection with providing four affidavits which I might add in a bipartisan [44] effort, were all introduced, several of those affidavits clearly indicate all of the minority, black minority representation in the various districts and I think, by simple mathematical extrapolation, much of which has been done in connection with the arguments, but certainly, are not a matter of dispute as the facts presently exist, in other words, they could be developed, show that all of the other times being talked about today, dilute minority repre-

sentation in either the 10th Congressional District or in one instance, the Hartwick—

JUDGE GIBBONS: Well, that being so and those plans might be deficient for another reason but on the record before us, on the motion for summary judgment, how do the deviations which exist there on the question of preserving a black district in the 10th?

MR. WALSH: Well, I don't think that is what—perhaps we are on the same wave length, Judge Gibbons, so forgive me—

JUDGE GIBBONS: What you are advancing as a reason for not trying to achieve a zero deviation, the preservation of minority districts, how would the deviations which are reflected in a map being challenged, bear on it?

[45] MR. WALSH: Well, number one, we think within any measurement yardstick that we are dealing with here, we have absolute population equality.

JUDGE GIBBONS: Well, that is a different question.

MR. WALSH: But I didn't want to lose it. I am not suggesting it isn't a different question. I am going right to your question but I just didn't want you to feel, Judge Gibbons, that we have assumed that we are deviating from it. We think we are at zero, but if the Court thinks we are not at zero, and based on the case law makes that judgment as a panel, I say to the Court that there is uncontroverted evidence from various people testifying that they were making a good effort to achieve a result in the 10th Congressional District which did not preserve—

JUDGE GIBBONS: What is the population in the 10th Congressional District on the map, in the redistricting law as enacted?

MR. WALSH: Minus 227, under 526,059.

* * * *

[46] * * *

JUDGE GIBBONS: And the 4th, how does that bear on the underage in the 10th?

MR. WALSH: All right.

If one is putting together a map which reflects community interests and the 10th is one such jigsaw, and here is the 10th (indicating), the [47] 10th itself is surrounded by a salient from the 7th, and thereafter, is abutted by the 6th; as population and towns with communities of interest have moved in one district, as the Baer plan suggests and as the consensus developed around the law which was actually passed, other district lines move as well which may change their deviation. I can't say that that happened with certainty. There were many conversations and judgments which went into the passage of the present law.

JUDGE GIBBONS: Well, if you can't say with certainty, how can we predicate a motion, the granting of a motion for summary judgment for the defendants on this consideration of minority representation?

MR. WALSH: Because I think you asked me a different question, Judge Gibbons, in which I expressed uncertainty. You said, how can it be that an absolute deviation in the 6th Congressional District of point or minus .4298 is related to the 10th when I expressed to you what I think is a quite and appropriate and correct response, that in any map or any geographical construct, when you start to cut portions from that map, other portions may change and certainly, if enough of these jigsaw [48] pieces must be changed in the name of legitimate State interests, perhaps quasi-constitutional interests as I believe was suggested here, the other pieces of the jigsaw will change.

You then asked the question, Judge Gibbons, which I told you candidly, I don't know, and I don't know that this record can show how, or how was it precisely that it evolved into this map which made consideration of the 10th, a prejudgment that the 6th must exist as it were and I can't answer that.

JUDGE GIBBONS: Besides this preservation of a black district in the 10th, what other of those constitutionally significant considerations do you suggest?

MR. WALSH: It is not just the 10th, Judge Gibbons, it is also the problem—

JUDGE GIBBONS: Well, where are the minority's problem?

MR. WALSH: Well, the 4th, of course, is the one with a major deviation as well as Mr. Goldstein points it out—

JUDGE GIBBONS: Well now, besides the justification of preserving minority districts, minority-majority districts—

MR. WALSH: Yes, sir.

[49] JUDGE GIBBONS: —what other justification of constitutional significance to you rely on?

MR. WALSH: None.

* * * *

[54] * * *

JUDGE GIBBONS: The difference between plaintiffs and defendants at this point seems to be a fairly narrow one. You are relying on what seems to be a relatively undisputed fact, that the Democratic Leadership would not consider any bill with a deviation of over 1 per cent and on the fact that it did, to some extent at least, take into consideration the racial makeup of the 10th District. [55] Mr. Goldstein is saying that they also took into account partisan considerations and they rejected bills that may have produced a smaller deviation.

Aside from those areas, are there any areas in the case on which testimony might be appropriate?

MR. WALSH: In my judgment there are not, your Honor.

JUDGE GIBBONS: How about in your judgment, Mr. Goldstein, Mr. Daggett?

MR. GOLDSTEIN: I don't believe so, your Honor.

MR. DAGGETT: I don't suggest any, Judge.

JUDGE GIBBONS: If that is the case, assuming we are not prepared to rule off the bench at this time either

way on the cross motions for summary judgment, can we have put in evidence the depositions and exhibits, perhaps the affidavits, with the understanding that even if we deny the motion for summary judgment, that will be the record on which we decide the case?

MR. WALSH: Are you talking about Rule 65 now?

[56] JUDGE GIBBONS: You assume we have to resolve some disputed fact issue.

MR. WALSH: You are referring now to Rule 65 which allows the two hearings to collapse.

JUDGE GIBBONS: Yes.

MR. WALSH: I have no difficulty with that, your Honor.

JUDGE GIBBONS: You don't have any desire to present any of these witnesses live.

MR. WALSH: I think expedition is a very important thing. Those credibility issues are on the Court's mind, obviously, then the witnesses should appear and testify. If credibility is an issue, and I really submit that they are not terribly important here, at least as I see the record, then I don't see the need for witnesses and I certainly would like to see this matter resolved expeditiously and we agree that Rule 65 should control with respect to finality in this hearing.

JUDGE GIBBONS: What is the position of the plaintiffs in that respect?

MR. GOLDSTEIN: Your Honor, as long as all the submissions, all the depositions, all [57] of the affidavits are received in evidence, we would consent to that position.

JUDGE GIBBONS: Well, Mr. Daggett.

MR. DAGGETT: Yes, I agree, Judge.

JUDGE GIBBONS: We are now, of course, dealing, not only with the reliability and injunction stage, I am not suggesting that were we to decide in favor of an injunction, you couldn't make a further record with respect to relief and that's, the interests of the applicants for intervention on whose motions we have reserved, would

that procedure be adequately protected. I think at this point then, it would be appropriate for the Court to recess and for counsel, with the Court Reporter, to mark in evidence the depositions, exhibits and affidavits which should be considered as the record on the final hearing on the application for injunctive relief. We will remain here. It shouldn't take you too long. If you have any difficulty about what should be marked in evidence, we will be here to rule on it.

MR. WALSH: Very well, your Honor.

Thank you.

MR. GOLDSTEIN: Your Honor, if I may just [58] make one point: in discussing the 10th District, an analysis of Alito affidavits and also, Professor Reock's plan shows that in the attempt by the Legislature to, so-called, protecting itself from any dilution and Dr. Reock's plan, he included the City of Orange.

JUDGE FISHER: Yes. That's cut off now. We are familiar with that.

MR. GOLDSTEIN: You are familiar with it. Okay. Thank you.

JUDGE GIBBONS: Now, one other thing: do any of the parties desire any further briefing after today on this aspect of the case?

MR. WALSH: Your Honor, if the Court is going to take this under advisement and there are specific questions that the Court would like briefed, I am always a little uncomfortable in writing briefs and I understand that page 8 never made the final edition of my brief, just like Hunterton County did not make one of the plans—

JUDGE FISHER: Things move so fast, we understand that.

MR. WALSH: My concern is this: If the Court has any question that it feels should be [59] addressed by brief, certainly, I, representing one of the parties, would think I would want to respond.

JUDGE GIBBONS: Well, if we have any questions we will ask for a brief.

What about you, Mr. Goldstein?

MR. GOLDSTEIN: I agree. Just one point as a matter for the record: I think it might be helpful if we had the agreement of both, Mr. Sokol and Mr. Marinari and Mr. Cole, on behalf of the State of New Jersey, to this procedure, so we have it clear on the record and no one, at a later date, can complain that they disagreed with the procedure.

MR. COLE: Judge Gibbon's panel, on behalf of the Attorney General, the Secretary of State, Governor Keen, we consent to the Rule 65 procedure.

JUDGE GIBBONS: How about the representatives?

MR. MARINARI: Yes, your Honor, we do.

MR. SOKOL: Yes, your Honor.

JUDGE GIBBONS: All right.

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ORDER AMENDING OPINION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[Title Omitted in Printing]

ORDER

The court having been made aware of an error in its opinion filed in this matter on March 3, 1982, it is on this day of March, 1982,

ORDERED that page 8, paragraph 2, of the majority opinion be amended to indicate the variance contained in the Sixth District as 2,261 people, or .4298%.

/s/ Clarkson S. Fisher
CLARKSON S. FISHER
Chief Judge
United States District Court

/s/ Stanley S. Brotman
STANLEY S. BROTMAN
Judge
United States District Court

[Filed Mar. 1, 1982]